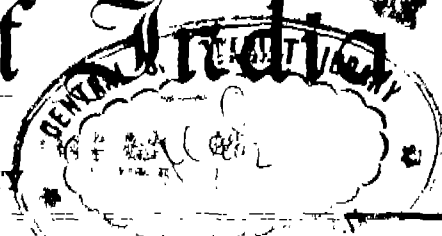




भारत का राजपत्र The Gazette of India

आधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं. 29]

नई दिल्ली, शनिवार, जुलाई 21, 2001/आषाढ़ 30, 1923

No. 29]

NEW DELHI, SATURDAY, JULY, 21, 2001/ASADHA 30, 1923

इस भाग में भिन्न-भिन्न सूचनाएँ दी जाती हैं जिससे कि यह जलन संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 6 जुलाई, 2001

क्र. आ. 1685.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम राज्य सरकार राजनीतिक (क) विभाग (सतर्कता एकक) दिसपुर की दिनांक 20-03-2001 की अधिसूचना संख्या पी. एल. ए. (बी) 148/93/44 द्वारा दी गई सहमति से एतद्वारा राज्य सरकार के खाद्य और सिविल आपूर्ति विभाग गुवाहाटी के कर्मचारियों की मिली भगत में घाटा मिलों की 30,000 मीट्रिक टन गेहूँ के स्टॉक में कथित अनियमितताओं के बारे में, छप्टाचार निवारण अधिनियम, 1988 के संगत प्रावधानों के अधीन अपराधों के अन्वेषण तथा उक्त अपराधों के संबंध में अथवा उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और

पड़यंत्र और उसी संव्यवहार के क्रम में अथवा उन्हीं तथ्य से उद्भूत किन्हीं अन्य अपराध (अपराधों) का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण असम राज्य के संबंध में करती है।

[सं. 228/40/2001-ए. वी. डी. (II)]
हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 6th July, 2001

S.O. 1685.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act

1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam Political (A) Department (Vigilance Cell), Dispur vide notification No. PLA (V) 148/93/41 dated 20-3-2001, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of the offences under the relevant provisions of Prevention of Corruption Act, 1988 and for any other offence(s), attempts, abetments and conspiracy in relation to or in connection with the said offence(s) committed in course of the same transaction arising out of same facts in regard to alleged irregularities in the allocation of 30,000 Metric Tonnes of Wheat to flour mills in connivance with the State Government Officials of Food and Civil Supplies Department Guwahati.

[No. 228/40/2001-AVD-II]
HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

अदेश

नई दिल्ली, 8 जून, 2001

स्टाम्प

का.आ.1686:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद् द्वारा पंजाब नेशनल बैंक, नई दिल्ली को मात्र चार लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा 25-01-2001, 12-03-2001 तथा 25-04-2001 को आवंटित मात्र चार करोड़ रुपये के समग्र मूल्य के पॉस्टलार्ड ई.वी.आर.एम. वॉण्ड 2000 के रूप में वर्णित प्रॉमिसरी नोटों के स्वरूप वाले वॉण्डों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 24/2001—स्टाम्प—फा. सं. 33/33/2001—बि.क.]
आर. जी. छावड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 8th June, 2001

STAMPS

S.O. 1686.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Punjab National Bank, New Delhi to pay consolidated stamp duty of rupees four

lakh only on Bonds in the nature of Promissory Notes described as PNBVRS BONDS-2000 aggregating to rupees four crores only allotted on 25-01-2001, 12-03-2001 and 25-04-2001 by the said Bank.

[No. 24/2001-STAMPS-F. No. 33/33/2001-ST]

R. G. CHHABRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 जून, 2001

का.आ. 1687:—सर्वसाधारण की जानकारी के लिए यह अधिवृत्ति किया जाता है कि केन्द्र सरकार आयकर निधनावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23 छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि:

(1) उद्यम आयकर निधनावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23 छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,

(2) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम:

(क) अवसरचलात्मक सुविधा को जारी रखना बंद कर देता है, और

(ख) खाताबहियों का रख-रखाव नहीं करता है तथा आयकर निधनावली, 1962 के नियम 23 के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा

(ग) आयकर निधनावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है: बृहत्तमुम्बई महानगर पालिका एंड स्लम रिहैबिलिटेशन द्वारा यथा अनुमोदित मैसर्स सत्यम् रियल्टर प्रा. लि. ग्राउंड फ्लोर, धीरज अपार्टमेंट्स, पी.पी. डायस कम्पाउंड, नटवर नगर रोड नं. 1, जोगेश्वरी (ईस्ट) मुम्बई-400060 द्वारा गोरेगांव मुम्बई स्थित धीरज बैली (बिल्डिंग संख्या 1, 2 और 3) और धीरज रेजिडेन्सी (बिल्डिंग संख्या 11, विंग सी) हाउसिंग परियोजना का विकास (फा.सं. 205/23/2001—आयकर नि.-1)।

[अधिवृत्ति संख्या : 188/2001 / फा.सं. 205/23/2001—आ.क.नि-II]

पंकज कुमार, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 27th June, 2001

S.O. 1687.—It is notified for general information that enterprise listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

(i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962.

(ii) the Central Government shall withdraw this approval if the enterprise :—

- (a) ceases to carry on infrastructure facility; or
- (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
- (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved —Development of Dheeraj Valley (Bldg Nos. 1, 2 and (3) and Dheeraj Residency (Bldg No. 11, wing C) Housing Project at Goregaon, Mumbai by M/s. Satyam Realtor Private Limited, Ground Floor, Dheeraj Apartments, P.P. Dias Compound Natwar Nagar Road No. 1, Jogeshwari (East), Mumbai-400060 as approved by the Brihanmumbai Mahanagar palika and Slum Rehabilitation (F.No. 205/23/2001-IT-A-II).

[Notification No. 188/2001/F. No. 205/23/2001-TA-II]

PANKAJ KUMAR, Under Secy.

नई दिल्ली, 27 जून, 2001

का.आ. 1688.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आधुनिक निम्नावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23G) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002 के लिए नीचे पैरा 3 में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदित इस शर्त के अधीन है कि:—

- (1) उद्यम आयकर निम्नावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23G) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,

(ii) केन्द्र सरकार यह अनुमोदित वापिस ले लेगी यदि उद्यम:—

- (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) खातिबहियों का रख-रखाव नहीं करता है तथा आयकर निम्नावली, 1962 के नियम 2E के उप नियम (7) द्वारा दया अधीनत किसी लेखा-कार द्वारा ऐसे खातों की लेखा परीक्षा नहीं करवाता है, अथवा
- (ग) आयकर निम्नावली, 1962 के नियम 2E के उपनियम (7) द्वारा दया अधीनत लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है:—कनकता स्पुर्तिसिस्म कार्पोरेशन और मैसर्स सिमपार्क प्रोजेक्ट लि., 12/1बी, लिडम स्ट्रीट, कलकत्ता-700087 के बीच दिनांक 8-11-99 के करार के अधीन मैसर्स सिमपार्क इन्फ्रास्ट्रक्चर (प्रा.) लि., द्वारा कलकत्ता शहर में भूखंड-विकास कार पार्किंग सिस्टम (पार्कमिल) की स्थापना। [फा.सं. 205/43/2000—

आ.का.नि.-II]

[अधिसूचना संख्या-189/2001/फा.सं. 205/43/2000—

आ.का.नि.-II]

पंकज कुमार, अधीन सचिव

New Delhi, the 27th June, 2001

S.O. 1688. It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose, of section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules 1962, for the assessment year 2001-2002.

2. The approval is subject to the condition that—

(i) the enterprise will conform to comply with the provisions of section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962.

(ii) the Central Government shall withdraw this approval if the enterprise:—

- (a) ceases to carry on infrastructure facility; or
- (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
- (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is installation of Multi-level Car Parking system (Parkomat) within the city of Calcutta by M/s. Sim Park Infrastructure (P) Ltd. under the agreement dated 8-11-99 between

Calcutta Municipal Corporation and M/s. Simplex Projects Ltd. 12/IB Lindsay Street, Calcutta-700087 (F. No. 205/43/2000-ITA-II).

[Notification No. 189/2001/F. No. 205/43/2000-ITA-II]
PNAKAJ KUMAR, Under Secy.

नई दिल्ली, 27 जून, 2001

का.आ. 1689.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि:—

(1) उद्यम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;

(2) केन्द्र सरकार यह अनुमोदन वापिस ल लेगी यदि उद्यम:—

(क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है; और

(ख) खाताबहियों को रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 23 के उप नियम (7) द्वारा यथा अंशित किसी लेखाकार द्वारा ऐम खतों की लेखा परीक्षा नहीं कराता है; अथवा

(ग) आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अंशित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं कराता है।

3. अनुमोदित उद्यम है—बृहत्मुंबई महानगर पालिका एण्ड स्लम रिहैबिलिटेशन अथॉरिटी द्वारा यथा अनुमोदित मैसर्स विनशा ट्रेपिनेक्स बिल्डर्स प्रा. लि., ग्राउंड फ्लोर, धीरज अपार्टमेंट्स, पी.पी. जयस कम्पाउंड, नटवर नगर रोड सं. 1, जोगेश्वरी (ई.), मुंबई-400060 द्वारा अंधेरी और गोरेगांव मुंबई में धीरज हाईट्स (बिल्डिंग सं. 2) और धीरज रेजिडेन्सी (बिल्डिंग सं. 11, विंग ए एण्ड बी) हाऊसिंग परियोजना का विकास। [फा. सं. 205/24/2001-आ.का.नि.-II]

[अधिसूचना सं. 190/2001/फा.सं. 205/24/2001-आ.

का.नि.-II)]

पंकज कुमार, अवर सचिव

New Delhi, the 27th June, 2001

S.O. 1689.—It is notified for general information that enterprise listed at para (3) below has been ap-

proved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

(i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rule, 1962;

(ii) the Central Government shall withdraw this approval if the enterprise :—

(a) ceases to carry on infrastructure facility; or

(b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the income-tax Rule, 1962.

3. The enterprise approved is—Development of Dheeraj Heights (Bldg No. 2) and Dheeraj Residency (Bldg No. 11, wing A & B) Housing Projects at Andheri and Goregaon, Mumbai by M/s Dinshaw Trapinex Builders Private Limited, Ground Floor, Dheeraj Apartments, P. P. Dias compound, Natwar Nagar Road No. 1, Jogeshwari (E), Mumbai-400060, as approved by the Brihanmumbai Mahanagar-palika and Slum Rehabilitation Authority, (F. No. 205/24/2001-ITA-II)

Notification No. 190/2001/F. No. 205/24/2001-ITA-II]
PANKAJ KUMAR, Under Secy.

नई दिल्ली, 27 जून 2001

का.आ. 1690.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 तथा 2003-2004 के लिए नीचे पैरा 3 में उल्लिखित उद्यम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि:

(i) उद्यम आयकर नियमावली, 1962 के नियम 23 के साथ आयकर अधिनियम, 1961 की धारा 10 (23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;

(ii) फा. सं. 10-21/2001/बी एम-1 में दिनांक 4-5-2001 के उनके अर्वाइ लाईसेंस के तहत उद्यम दूरसंचार विभाग के साथ लाईसेंस करार पर हस्ताक्षर करेगा।

(iii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम :—

- (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड. के उप नियम (7) द्वारा यथा अपेक्षित किंगी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2ड. के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम है :—मैसर्स रिलायन्स कम्युनिकेशन प्राइवेट लिमिटेड, "ब्रिन्दावन" 4वां फ्लोर, श्री राम मिल्स परिसर गणपतराव कदम मार्ग, वर्ली मुम्बई-400013 की नेशनल लॉग डिस्टेंस सर्विस परियोजना दूसरावार विभाग के फा. सं. 10-21/2001 बी. एस. 1 में दिनांक 4-5-2001 के अन्तर्गत।

[अधिसूचना सं. 191/2001/फा सं 205/7/2001-प्र. का. नि-II]
पंकज कुमार अवसर, सचिव

New Delhi, the 27th June, 2001

S.O. 1690.—It is notified for general information that the enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10 (23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rule, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that —

(i) the enterprise will conform to and comply with the provisions of section 10 (23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;

(ii) the enterprise will sign the Licence Agreement with the Department of Telecommunication as required vide their award of license dated 4-5-2001 from F. No. 10-21/2001-BS-I;

(iii) the Central Government shall withdraw this approval if the enterprise :—

- (a) ceases to carry on infrastructure facility; or
- (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
- (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is :—project of National Long Distance Service of M/s. Reliance Communication Private Limited, "Brindavan" 4th floor. Shree Ram Mills Premises, Ganpatrao Kadam Marg, Worli, Mumbai-400013, under the award of licensee of Department of telecommunication dated 4/5/2001 from F. No. 10-21/2001-BS-I.

[Notification No. 191/2001/F.No.205/7/2001-ITA-II]

PANKAJ KUMAR, Under Secy.

नई दिल्ली, 27 जून, 2001

का.प्र.1691.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23ड) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों औद्योगिक उपक्रमों को अनुमोदन करती है।

2. यह अनुमोदन इन शर्तों के अधीन है कि :

(i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड. के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23ड) के उपबंधों के अनुसंधान होता और उनका अनुपालन करेगा।

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—

- (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड. के उप नियम (7) द्वारा यथा अपेक्षित किंगी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है ,
- (ग) आयकर नियमावली, 1962 के नियम 2ड. के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है ।

3. उक्त अनुमोदित उद्यम/औद्योगिक उपक्रम निम्नानुसार है :—

मैसर्स श्री महेश्वर हाईड्रल पावर कार्पोरेशन "अवध" अवधेश परिसर जी.के. मार्ग, वर्ली मुम्बई-400018 द्वारा मध्य प्रदेश में नर्मदा नदी पर गाँव मेंडलेश्वर जिला खरगोल, 10×40 मेगावाट का श्री महेश्वर हाईड्रोइलेक्ट्रीक पावर प्लांट (फा. सं. 205/17/2001 आयकर नि.-II)

[अधिसूचना सं. 192/2001 फा. सं. 205/17/2001-आयकर नि.-II]

पंकज कुमार, अवसर सचिव

New Delhi, the 27th June, 2001

S.O. 1691.--It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that--

(i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;

(ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:-

- ceases to carry on infrastructure facility; or
- fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or
- fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is:--

10x40 MW Shree Maheshwar Hydroelectric Power Plant on river Narmada, Village Mandleshwar, Distt. Khargone in Madhya Pradesh by M/s Shree Maheshwar Hydel Power Corporation "Avadh" Avadhesh Parisar, G.K. Marg Worli, Mumbai-400018 (F.No. 205/17/2001-ITA-II).

[Notification No. 192/2001/F.No.205/7/2001/ITA-II]

Pankaj Kumar, Under Secy.

नई दिल्ली, 27 जून, 2001

(आयकर)

का.आ.1692--सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, आयकर नियम-बन्दी, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए "संस्था" श्रेणी के अंतर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है:--

(i) अधिसूचित संस्था अनुसंधान गतिविधियों के लिए अलग लेखा बही रखेगी,

(ii) अधिसूचित संस्था प्रत्येक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रति-

वर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महेरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी,

(iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से तामित कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अथवा अपने लेखा परीक्षित वार्षिक लेखे की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के अंतर्गत छूट प्रदान की गई थी, के संबंध में आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को अथवा उससे पहले पंथन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडलटन रा, 5वां तल, कलकत्ता, 700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त आयकर निदेशक (छूट) को प्रस्तुत करेगा।

क अनुमोदित संगठन का नाम अवधि जिसके लिए अधिसूचना प्रभावी है।

1. भारती संस्कृत विद्या निकेतन	1.4.2000 से
12, सरकार कुंज, हिमाचल म्	31.3.2003 तक
के निकट, असाल्फा, घाटको पर	
(पश्चिम), मुम्बई-400084	

टिप्पणी:--अधिसूचित संस्था को यह सलाह दी जाती है कि वे अनुमोदन के नवीनीकरण हेतु पहले से ही तीन प्रतियों में अपने क्षेत्राधिकार में आने वाले आयकर आयुक्त क्षेत्र/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीनीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 193/2001/फा.सं./ 203/29/2001-आ. क. नि- II]

पंकज कुमार, प्रवर सचिव

New Delhi, the 27th June, 2001

(INCOME TAX)

S.O.1692.--It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions:--

- The notified Institution shall maintain separate books of account for its research activities;

- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income Tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Bharati Samskrta Vidya Niketanam 12, Sharkar Kunj, Near Himalaya Soo, Asalfa, Ghatkopar (West), Mumbai-400 084	1-4 2000 to 31-3-2003

Notes : The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval to the Central Government through the Commissioner of Income Tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 193/2001/F.No. 203/29/2001-ITA-II]
PANKAJ KUMAR, Under Secy.

नई दिल्ली, 27 जून, 2001

का.आ. 1693.—सर्वसाधारण की जानकारी के लिए यह सूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2001-2002, 2002-2003 और 2003-2004 के लिए नीचे पंजा 3 में उल्लिखित उद्यमों/आर्थिक उपक्रम को अनुमोदित करता है।

यह अनुमोदन इस शर्त के अधीन है कि—

- उद्यम/आर्थिक उपक्रम आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के अन्वये के अनुरूप होगा और उनका प्रत्यापन करेगा;
- केन्द्र सरकार पर अनुमोदन वापिस ले ली जायेगी यदि उद्यम—
 - अवसंरचनात्मक सुविधा का जारी रखना बंद कर देता है, और
 - खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2E के उप नियम (7) द्वारा दया अधीन किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं करवाता है, अथवा
 - आयकर नियमावली, 1962 के नियम 2E के उप-नियम (7) द्वारा दया अधीन लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/आर्थिक उपक्रम है—

मैसर्स केमरगोड पावर कारपोरेशन प्रा. लि. 5-332 हरे बिल्डिंग, केमरगोड, जिला, केरल द्वारा 2 × 10.589 मेगावाट पावर परियोजना केमरगोड केरल का विकास। (फा. सं. 205/28/2001—प्रथम वि-II)

[अधिसूचना सं. 194/2001/फा. सं. 05/28/2001/आ.क.नि. II]

पंकज कुमार, अवर सचिव

New Delhi, the 27th June, 2001

S.O. 1693.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- the Central Government shall withdraw this approval if the enterprise/industrial undertaking:—
 - cease to carry on infrastructure facility; or
 - fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income tax Rules, 1962,

3. The enterprise/industrial undertaking approved is :—

2 x 10.589 MW Power project at Kasargod, Kerala by M/s. Kasargod Power Corporation Private Ltd., 5-332, Bare Village, Kasargod District, Kerala (F.No. 205/28/2001-ITA-II).

[Notification No. 194/2001/F.No.205/28/2001/ITA-II]

PANKAJ KUMAR, Under Secy.

नई दिल्ली, 29 जून, 2001

(अध्यक्ष)

क्र.आ. 1694.—मानान्वय जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठन को उनके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (ii) के प्रयोजनार्थ संस्थान श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- (i) अधिसूचित संस्थान अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगा ;
- (ii) अधिसूचित संस्थान प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा ;
- (iii) अधिसूचित संस्थान केन्द्र सरकार की तरफ से नामोदित निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अनिवार्य अपने लेखा परीक्षण नाविक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के अंतर्गत छूट प्रदान की गई थी के संबंध में आय करने वाले लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रोड पांचवां तल, कलकत्ता-700071, (ख) सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा ।

टिप्पणी :—अधिसूचित संस्थान को सलाह दी जाती है कि वे अनुमोदन के सर्वाकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के सर्वाकरण के लिए आवेदन पत्र की तीन प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 195/2001/फा. सं. 203/93/2000-आ.क. नि. II]

पंकज कुमार, अधर सचिव

New Delhi, the 29th June, 2001

(INCOME TAX)

S.O. 1694.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against its name, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income tax Act 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions:—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the

क्रम. अनुमोदित संगठन का नाम अवधि जिसके लिए अधिसूचना प्रभावी है

1. डा. रमाजिती रिमचें इंस्टीट्यूट 1-0-2000 से
ग्राफ आकेशनल हेल्थ सर्विस 31-03-2003
557, शुद्धनार पेठ, पुणे-411002

return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Dr. Ramazini Research Institute of Occasional Health Services, 557, Shukrawar Peth, Pune-411002.	1-4-2000 to 31-3-2003

Notes : The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 195/2001/F.No. 203/93/2000-ITA-II]

PANKAJ KUMAR, Under Secy.

नई दिल्ली, 29 जून, 2001

(आयकर)

क.आ. 1695.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार नीचे लिखे संगठन को उनके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ गठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्थान" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है :—

- अधिसूचित संस्थान अपने अनुसंधान कार्यक्रमों के लिए अलग लेखा वस्तुओं का रख-रखाव करेगी ;
- अधिसूचित संस्थान प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;
- अधिसूचित संस्थान केन्द्र सरकार की तरफ से नामोदित निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यक्रमों जिसके लिए आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संस्थान पर अधिकार क्षेत्र वाले (क) आयकर

महानिदेशक (छूट), 10, मिडिलटन रो, पांचवां तल कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी ।

क. अनुमोदित संगठन का नाम अवधि जिसके लिए सं. अधिसूचना प्रभावी है

- मराठवाडा मेडिकल एण्ड रिसर्च 1-4-2001 से
इन्स्टीट्यूट 5-14-40, 31-3-2003 तक
अवधालन रोड, औरंगाबाद ।

टिप्पणी :—अधिसूचित संस्थान को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतियों में अथवा पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें । अनुमोदन नवीकरण के लिए आवेदन पत्र को तीन प्रतियां वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएगी ।

[अधिसूचना सं. 196/2001/फा. सं. 203/2/2001-आयकर नि.-II]

पंकज कुमार, अवसर सचिव

New Delhi, the 29th June, 2001

(INCOME TAX)

S. O. 1695.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against its name, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :

(i) The notified Institution shall maintain separate books of accounts for its research activities ;

(ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

(iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071

(b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Accounts in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
--------	-----------------------------------	--

1.	Marathwada Medical & Research Institute	1-4-2000 to 31-3-2003
	5-14-40, Adalat Road, AURANGABAD	

Notes : The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 196/2001/F. No. 203/2/2001—ITA-II]

PANKAJ KUMAR, Under Secy.

सीमा एवं केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय
नागपुर, 12 जून, 2001

सं. सीमा शुल्क/एस-8/1/2001

का.प्रा. 1696.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा-8 की उपधारा (इ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवं नागपुर दिनांक 11-12-96 की अधिसूचना संख्या—सीमाशुल्क/एस-8/1/96 का अधिष्ठापन करते हुए मैं, के.एस. नायर, आयुक्त सीमा एवं केन्द्रीय उत्पाद शुल्क, नागपुर एतद्वारा महाराष्ट्र राज्य के अजिनी रेलवे थार्ड (पूर्व), नागपुर का विशेष रूप से उल्लेख करता हूँ एवं दिनांक 12-06-2001 से वही अधिनियम की धारा-2 (ii) के उद्देश्य हेतु "सीमा शुल्क परिसर" को इन्लैंड कन्टेनर डिपो के रूप में घोषित करता हूँ। कथित इन्लैंड कन्टेनर डिपो का स्थान निर्धारण कोड नंबर "इन.एन.जी.पी.-6" है।

2. सीमा शुल्क अधिनियम, 1962 की धारा-8 की उपधारा-(बी) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, दोबारा सीमाशुल्क परिसर की सीमाओं का विशेष

रूप से उल्लेख करता हूँ। जहाँ इन्लैंड डिपो अजिनी रेलवे थार्ड (पूर्व), नागपुर में स्थित है, सिन्हासुमार—

लैन्डिंग एरिया

कस्टम्स बॉन्डेड वेयर हाउस,

आवर्तित कुल परिसर—40995 चौ. मीटर,

- (क) इलेक्ट्रिकल लोकोषेड, अजिनी एवं रेलवे कॉलोनी उत्तरी सीमा के रूप में,
- (ख) सी.पी. डब्ल्यू. आय. डिपो, मध्य रेलवे, नागपुर पूर्वी सीमा के रूप में,
- (ग) आय.सी.डी. के साइडिंग रेलवे से प्रमुख रेल लाईन तक दक्षिण सीमा के रूप में,
- (घ) अजिनी रेलवे थार्ड पश्चिमी सीमा के रूप में, प्रवेशमार्ग रिंग रोड, नागपुर से है।

[फा.सं. VIII (सीमा शुल्क) 25-4/94/तक./भाग-II]
के.एस. नायर, आयुक्त

OFFICE OF THE COMMISSIONER CUSTOMS & CENTRAL EXCISE

Nagpur, the 12th June, 2001

NO. CUSTOMS/S-8/1/2001

S.O. 1696.—In exercise of the powers conferred by Sub-section (e) of Section 8 of the Customs Act, 1962 (1952 of 62) & supersession of the Notification No. CUS-TOMS/S-8/1/96 Nagpur, dt. 11-12-96, I, K. S. Nair, Commissioner, Customs & Central Excise, Nagpur hereby specify the Ajni Railway Yard (East), Nagpur, in the State of Maharashtra declared as Inland Container Depot, as the "Customs Area" for the purposes of Section 2(11) of the Act *ibid* w.e.f. 12-06-2001. LOCATION CODE of the said Inland Container Depot is 'IN NGP. 6'.

2(i) In exercise of the powers conferred under Sub-section (b) of the Section 8 of the Customs Act, 1962. I, further, specify the limits of the "Customs Area" located at Inland Container Depot, Ajni Railway Yard (East), Nagpur as under :—

LANDING AREA

CUSTOMS BONDED WAREHOUSE

Total Area admeasuring 40995 Sq. Mtrs.

- (A) Northern Boundary as Electrical Loco Shed Ajni & Railway Colony.
- (B) Eastern Boundary as C.P.W.I. Depot, Central Railway, Nagpur.
- (C) Southern Boundary as Railway line leading to Railway siding of ICD.

(D) Western Boundary as Ajni Railway Yard.

The approach road is via Ring Road, Nagpur.

[C. No. VIII (CUS) 25-4/94/Tech|Pt.II]

K. S. NAIR, Commissioner

नागपुर, 12 जून, 2001

सीमा शुल्क/एस-8/4/2001

का.आ. 1697.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा-8 की उपधारा (ए) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए एवं नागपुर दिनांक 28-10-97 की अधिसूचना सं. सीमा शुल्क/एस-8/4/97 का अधिकरण करते हुए मैं, के.एस. नायर, आयुक्त, सीमा एवं केन्द्रीय उत्पाद शुल्क, नागपुर एतद्वारा महाराष्ट्र राज्य के नागपुर विमानतल, नागपुर के 337 हेक्टेयर क्षेत्र को सीमानों का आयात-निर्गत करने वाले स्थान के रूप में अनुमोदित करता हूँ। बशर्ते कि सीमा शुल्क अधिनियम, 1962 के उपबन्धों का सुसंगत एवं भारत सरकार द्वारा जारी किए गए आदेशों का उचित पालन हो। स्टेशन का स्थान निर्धारण कोड नं. "इन एन जी पी-4" है।

2. सीमा शुल्क अधिनियम, 1962 की धारा-8 की उपधारा (बी) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, दोबारा नागपुर विमानतल के कथित सीमा शुल्क परिसर की सीमा का विशेष रूप से उल्लेख करता हूँ। विस्तृत विवरण निम्न रूप में है, यथा:—

सीमाएं

दिशाएं	दीवार की लम्बाई	महत्वपूर्ण चिह्न/द्वारा आवद्ध
उत्तर	4.4 किलोमीटर (करीब)	सोनिगांव ग्राम
दक्षिण	2.21 किलोमीटर (करीब)	तकनीकी ब्लॉक भारतीय एअर फोर्स
पूर्व	2.40 किलोमीटर (करीब)	शिवनगांव ग्राम
पश्चिम	2.9 किलोमीटर (करीब)	एअर रुट सर्विलियंस स्टार
(सीमा दीवार की कुल लम्बाई करीब 12 कि.मी. है।)		

परन्तु यह तब जब तक:—

- कथित परिसर भारत के विमानपत्तन प्राधिकारी के संपूर्ण नियंत्रण में होगा एवं उसमें रखा गया माल भारतीय विमानपत्तन प्राधिकारी के परिरक्षा में तब तक होगा जब तक सीमा शुल्क द्वारा मुक्त नहीं होगा।
- भारतीय विमानपत्तन प्राधिकारी, परिसर उसी प्रकार कर्मों के अधीन एवं सुरक्षा की पर्याप्त व्यवस्था करेगी।

(iii) भारतीय विमानपत्तन प्राधिकारी लॉडिंग सुविधा एवं आग बुझाने के उपकरणों की पर्याप्त व्यवस्था करेगी। सीमा शुल्क कर्मचारियों के कार्यालय सुविधाओं के साथ सभी मुख्य-सुविधा एवं आग द्वारा नुकसान न होने के लिए सावधानी बरतेगी।

(iv) भारतीय विमान पत्तन प्राधिकारी वजन करना, वजन उठाना, स्थानांतरण करना, हैंडल करना एवं माल का परीक्षण करने हेतु अन्य सुविधाएं उपलब्ध करायेंगी।

(v) आयात/निर्गत/कर्मों की भराई/उतराई एवं कंटेनरों/पैकेजों पर सीमा शुल्क परीक्षण के अंतर्गत सुहर लगायी जावेगी।

(vi) आयात/निर्गत मालों का संसाधन/निर्वाह, परीक्षण संभारण एवं निकासी भवन के परिसर में एवं अनुमोदित मानचित्र के अनुसार सीमा के अन्दर घटित होंगा।

(vii) आयुक्त, सीमा शुल्क, नागपुर के पूर्वी अनुभूति के बिना उपयोग में लाये जा रहे भवन एवं विमानतल के परिसर में अदल-बदल/परिवर्तन नहीं किया जाएगा।

3. यह अधिसूचना दिनांक 12-06-2001 से प्रभावी होगी।

[फा.सं. VIII (सीमाशुल्क) 25-6/97/तफ./ए.सी.सी.]
के.एस. नायर, आयुक्त

Nagpur, the 12th June, 2001
No. CUSTOMS|S-8/4/2001

S.O. 1697.—By virtue of the powers vested in me under Sub-section (a) of Section 8 of the Customs Act, 1962 (52 of 1962) & supersession of the Notification No. CUS-TOMS|S-8/4/97, Nagpur, dt. 28-10-97, I, K. S. Nair, Commissioner, Customs & Central Excise, Nagpur hereby approve the area of 337 Hectares comprising Nagpur Airport, Nagpur, in the State of Maharashtra to be a place for unloading of imported goods and loading of export goods subject to the strict observance of the relevant provisions of the Customs Act, 1962 and other instructions issued by the Govt. of India from time to time. The LOCATION CODE of the station is 'IN NGP. 4'.

2. In exercise of the powers conferred under Sub-section (b) of the Section 8 of the Customs Act, 1962. I, further, specify the limits

of the "Customs Area" in the said Nagpur Airport as detailed below :—

LIMITS

Directions	Length of the Wall	Landmark/Bounded by
North	4.4 Kms. (Approx)	Sonegaon Village.
South	2.21 Kms. (Approx)	Indian Air Force Technical Block
East	2.40 Kms. (Approx)	Shivangaon Village.
West	2.9 Kms. (Approx)	Air Route Surveillance Radar.

(Total length of boundary wall is about 12 Kms.)

Provided that :—

- (i) The said premises would remain under the complete control of the Airports Authority of India & the goods kept therein remain in the Custody of the Airports Authority of India until they are cleared by Customs.
- (ii) The Airport Authority of India shall make adequate arrangements for security and safeguarding the premises as well as the Cargo.
- (iii) The Airport Authority of India provide adequate lighting facility and fire fighting equipment as a precaution against damage by fire and office facilities with all the amenities for the Customs Staff.
- (iv) Airport Authority of India makes the arrangement of weighing, lifting, shifting handling and other facilities for examination of the goods.
- (v) The sealing of the packages/containers and stuffing/destuffing of Export/Import Cargo is done under the Customs Supervision.
- (vi) That the processing/assessment, examination, storage and clearance of the import/export goods shall take place within the area of the building and precincts thereof as approved in the may.
- (vii) That no alteration/change in the area of the Airport and the building used will be made without the prior permission of the Commissioner of Customs, Nagpur.

3. This Notification shall come into effect from 12-06-2001.

[C. No. VIII (Cus) 25-6/97/Tech/ACC]

K. S. NAIR, Commissioner

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 3 जुलाई, 2001

का.आ.1698:—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उपधारा (1) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा लघु उद्योग और कृषि एवं ग्रामीण उद्योग मंत्रालय में अपर सचिव एवं विकास आयुक्त (लघु उद्योग) श्री एस. के. टुटेजा को तत्काल प्रभाव से और अगले प्रदेश तक श्री डी.पी. बागची के स्थान पर भारतीय लघु उद्योग विकास बैंक के निदेशक के रूप में नामित करती है।

[फा. सं. 7/4/2000-बी.ओ. I]

रमेश चन्द, अपर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 3rd July, 2001

S.O. 1698.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Shri S. K. Tuteja, Additional Secretary and Development Commissioner (SSI), Ministry of Small Scale Industries and Agro & Rural Industries, as director on the Board of Small Industries Development Bank of India with immediate effect and until further orders vice Shri D. P. Bagchi.

[F. No. 7/4/2000-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 4 जुलाई 2001

का.आ. 1699:—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 17 की उपधारा (4 बीबी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा एच एस बी सी प्राइमरी डीलरशिप इंडिया प्रा. लि. नामक वित्तीय संस्था को उक्त उपधारा के उद्देश्य के लिए कम्पनी अधिनियम, 1956 (1956 का 1) के अन्तर्गत पंजीकृत कम्पनी के रूप में अधिसूचित करती है।

[फा. सं. 13/6/2001-बीओए]

डी. चौधरी, अपर सचिव

New Delhi, the 4th July, 2001

S. O. 1699.—In exercise of the powers conferred by Sub-section (4-BB) of Section 17 of the Reserve Bank of India Act, 1934 (2 of 1934), the

Central Government hereby notified the financial institution known as HSBC Primary Dealership India Pvt. Ltd. being a company registered under the Companies Act, 1956 (1 of 1956) for the purpose of the said sub-section.

इस्योर्स कम्पनी प्राइवेट लिमिटेड में इसकी इक्विटी भागीदारी से संबंधित है।

[फा. सं. 13/9/2000-बी ओ ए]

डी. चौधरी, अवर सचिव

[F. No. 13/6/2001-BOA]

D. CHOUDHURY, Under Secy.

New Delhi, the 5th July, 2001

S. O. 1700.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to Vysya Bank Ltd., in so far as it relates to its equity participation in "ING-Vysya Bank Insurance Company Private Limited".

[F. No. 13/9/2000-BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 5 जुलाई, 2001

फा. सं. 1700.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध, वैश्य बैंक लि. पर तब तक लागू नहीं होंगे जब तक वे प्राई एन जी-वैश्य बैंक

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 13 जून, 2001

फा. सं. 1701.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. फा. सं. 624, तारीख 20 फरवरी, 1973 के साथ प्रस्तावित आदेश में निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त आदेश की अनुसूची में,—

(1) साधारण केन्द्रीय सेवा, वर्ग 2 से संबंधित भाग 1 में क्रम संख्या 2 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात्:—

(1)	(2)	(3)	(4)
-----	-----	-----	-----

"2. विदेश व्यापार महानिदेशालय

सभी पद	विदेश व्यापार महानिदेशक	विदेश व्यापार महानिदेशक	सभी"
--------	-------------------------	-------------------------	------

(2) साधारण केन्द्रीय सेवा, वर्ग (iii) से संबंधित भाग 2 में क्रमसंख्यांक 2 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रमसंख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात्:—

(1)	(2)	(3)	(4)	(5)
-----	-----	-----	-----	-----

"2. विदेश व्यापार महानिदेशालय

(1) मुख्यालय में सभी पद	विदेश व्यापार संयुक्त महानिदेशक (प्रशासन)	विदेश व्यापार संयुक्त महानिदेशक (प्रशासन)	सभी	विदेश व्यापार महानिदेशक
-------------------------	---	---	-----	-------------------------

(2) विदेश व्यापार संयुक्त महानिदेशक (केन्द्रीय अनुशासन क्षेत्र), नई दिल्ली के कार्यालय में और उसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार संयुक्त महानिदेशक (केन्द्रीय अनुशासन प्राधिकारी), नई दिल्ली	विदेश व्यापार संयुक्त महानिदेशक (केन्द्रीय अनुशासन प्राधिकारी), नई दिल्ली	सभी	विदेश व्यापार महानिदेशक
--	---	---	-----	-------------------------

(1)	(2)	(3)	(4)	(5)
(3) मुम्बई पत्तन कार्यालय और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार संयुक्त महानिदेशक, मुम्बई	विदेश व्यापार संयुक्त महानिदेशक, मुम्बई	सभी	विदेश व्यापार महानिदेशक
(4) चेन्नई पत्तन कार्यालय में और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार संयुक्त महानिदेशक, चेन्नई	विदेश व्यापार संयुक्त महानिदेशक, चेन्नई	सभी	विदेश व्यापार महानिदेशक
(5) कलकत्ता पत्तन कार्यालय में और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार संयुक्त महानिदेशक, कलकत्ता	विदेश व्यापार संयुक्त महानिदेशक, कलकत्ता	सभी	विदेश व्यापार महानिदेशक

(3) साधारण केन्द्रीय सेवाओं के (4) से संबंधित भाग 3 में क्रम संख्यांक 2 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रमसंख्यांक और प्रविष्टियाँ रखी जाएंगी, अर्थात्:—

(1)	(2)	(3)	(4)	(5)
“2. विदेश व्यापार महानिदेशालय				
(1) मुख्यालय में सभी पद	विदेश व्यापार उप-महानिदेशक (प्रशासन), मुख्यालय	विदेश व्यापार उप-महानिदेशक (प्रशासन), मुख्यालय	सभी	विदेश व्यापार संयुक्त महानिदेशक (प्रशासन), मुख्यालय
(2) विदेश व्यापार संयुक्त महानिदेशक (केन्द्रीय अनुशासन प्राधिकारी) नई दिल्ली के कार्यालय में और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार उप-महानिदेशक (प्रशासन) विदेश व्यापार संयुक्त महानिदेशक कार्यालय (केन्द्रीय अनुशासन प्राधिकारी), नई दिल्ली	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय (केन्द्रीय अनुशासन प्राधिकारी), नई दिल्ली	सभी	विदेश व्यापार संयुक्त महानिदेशक (केन्द्रीय अनुशासन प्राधिकारी) नई दिल्ली
(3) मुम्बई पत्तन कार्यालय और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, मुम्बई	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, मुम्बई	सभी	विदेश व्यापार संयुक्त महानिदेशक, मुम्बई
(4) चेन्नई पत्तन कार्यालय में और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, चेन्नई	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, चेन्नई	सभी	विदेश व्यापार संयुक्त महानिदेशक, चेन्नई
(5) कलकत्ता पत्तन कार्यालय में और इसके प्रादेशिक कार्यालयों में सभी पद	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, कलकत्ता	विदेश व्यापार उप-महानिदेशक (प्रशासन), विदेश व्यापार संयुक्त महानिदेशक कार्यालय, कलकत्ता	सभी	विदेश व्यापार संयुक्त महानिदेशक, कलकत्ता

[फा.सं. 1-34(3)/2001-ओ एंड एम]

एच.सी. जयल, निदेशक

पाद टिप्पण: मूल आदेश भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में का.आ. 624 तारीख 20 फरवरी, 1973 के तहत प्रकाशित किया गया था और तत्पश्चात् उसमें का.आ. 20 तारीख 21 दिसम्बर, 1973 और का.आ. 354(अ) तारीख 6 अप्रैल, 2000 द्वारा संशोधन किए गए हैं।

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

ORDER

New Delhi, the 13th June, 2001

S.O. 1701.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the Order published with the notification of the Government of

In the Schedule to the said order,—

(1) in Part I relating to General Central Service, Class II, for serial number 2 and entries relating thereto, the following serial number and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)
"2. Directorate General of Foreign Trade			
All Posts	Director General of Foreign Trade	Director General of Foreign Trade	All";

(2) in Part II relating to General Central Service, Class III, for serial number 2 and entries relating thereto, the following serial number and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
"2. Directorate General of Foreign Trade				
(i) All Posts at Headquarters	Joint Director General of Foreign Trade (Administration)	Joint Director General of Foreign Trade (Administration)	All	Director General of Foreign Trade
(ii) All Posts in the Office of Joint Director General of Foreign Trade (Central Licensing Area), New Delhi and its regional offices.	Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi	Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi	All	Director General of Foreign Trade
(iii) All Posts in Port Office at Mumbai and its regional offices	Joint Director General of Foreign Trade, Mumbai	Joint Director General of Foreign Trade, Mumbai	All	Director General of Foreign Trade
(iv) All Posts in Port Office at Chennai and its regional offices	Joint Director General of Foreign Trade, Chennai	Joint Director General of Foreign Trade, Chennai	All	Director General of Foreign Trade
(v) All Posts in Port Office at Kolkata and its regional offices	Joint Director General of Foreign Trade, Kolkata	Joint Director General of Foreign Trade, Kolkata	All	Director General of Foreign Trade";

(3) in Part III relating to General Central Service, Class IV, for serial number 2 and entries relating thereto, the following serial number and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
"2. Directorate General of Foreign Trade.				
(i) All Posts at Headquarters	Deputy Director General of Foreign Trade (Administration), Headquarters	Deputy Director General of Foreign Trade (Administration), Headquarters	All	Joint Director General of Foreign Trade (Administration) Headquarters
(ii) All Posts in the Office of Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi and its regional offices	Deputy Director General of Foreign Trade (Administration), Office of Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi	Deputy Director General of Foreign Trade (Administration), Office of Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi	All	Joint Director General of Foreign Trade (Central Licensing Authority), New Delhi

(1)	(2)	(3)	(4)	(5)
(iii) All Posts in Port Office at Mumbai and its regional offices	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Mumbai	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Mumbai	All	Joint Director General of Foreign Trade, Mumbai
(iv) All Posts in Port Office at Chennai and its regional offices	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Chennai	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Chennai	All	Joint Director General of Foreign Trade, Chennai
(v) All Posts in Port Office at Kolkata and its regional offices	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Kolkata	Deputy Director General of Foreign Trade (Administration) Office of Joint Director General of Foreign Trade, Kolkata	All	Joint Director General of Foreign Trade, Kolkata

[File No. 1-34(3)/2001-O&M]

H.C. JAYAL, Director

Footnote : Principal Order was published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide S.O. 624 dated the 20th February, 1973 and subsequently amended vide S.O. 20 dated the 21st December, 1973 and S.O. 354(E) dated the 6th April, 2000.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 28 जून, 2001

का. आ. 1702.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (ख) के अन्तर्गण में डा. जी. बी. गुप्ता, एसोसिएट प्रोफेसर, काय चिकित्सा, मेडिकल कॉलेज, रायपुर को पंडित रविशंकर शुक्ला विश्वविद्यालय, रायपुर की सीनेट द्वारा 2 जनवरी, 2001 में भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब, उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अन्तर्गण में, केन्द्र सरकार तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना का. आ. संख्या 138 में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "धारा 3 की उप-धारा (1) के खंड (ख) के अन्तर्गत निर्वाचित" शीर्षक के अंतर्गत क्रम संख्या 34 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

"34. डा. जी. बी. गुप्ता पंडित रवि शंकर
एसोसिएट प्रोफेसर, काय शुक्ला विश्वविद्यालय"
चिकित्सा मेडिकल कॉलेज,
रायपुर-492010
(छत्तीस गढ़)

[सं. बी-11013/2/2001-एम. ई. (नीति-I)]

राम लाल, अवसर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE
(Department of Health)

New Delhi, the 28th June, 2001

S.O. 1702.—Where as in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. G. B. Gupta, Associate Prof. of Medicine, Medical College, Raipur has been elected by the Senate of Pt. Ravishankar Shukla University Raipur to be a member of the Medical Council of India with effect from 2nd January, 2001.

Now therefore, in pursuance of the provision of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S. O. 138, dated the 9th January, 1960, namely:—

In the said Notification, under the heading, 'Elected under clause (b) of sub-section (1) of section 3' for serial number 34 and the entry relating thereto the following serial number and entry shall be added, namely :—

"34. Dr. G. B. Gupta, Pt. Ravishankar
Associate Professor of Shukla University",
Medicine,
Medical College,
Raipur-492010
(Chhattisgarh)

[No. V-11013/2/2001-ME(Policy-I)]

RAM LAL, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 जुलाई, 2001

का. आ. 1703.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से राजस्थान राज्य में चाकसू से होती हुई हरियाणा राज्य में पानीपत तक अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शनों के संवर्द्धन को कार्यान्वित करने के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइनें बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के लिए लिखित रूप में आक्षेप, श्री आर.एम.पड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन प्रभाग) पो.बा.सं.4, डाकघर विरमगाम, जिला-अहमदाबाद, गुजरात-382150 को कर सकेगा।

अनुसूची

तालूका : अमीरगढ		जिला : बनावसकांटा		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
राजपुरीया	4		0	11	33
	5	2	0	10	24
	3		0	06	64
जैथी	98		0	19	06
	99		0	11	43
	100+101		0	47	26
	207		0	01	37
	203		0	24	11
	204		0	04	25
	199		0	20	69
	198		0	14	37
	190		0	13	94
	189		0	08	71
	188		0	07	73
	95		2	79	63
	84+85		0	00	20
इकबालगढ	12		0	18	08
	13		0	08	28
	21	4	2	45	41
जांजरवाव	21	3	0	42	41
	30	3	0	03	65
	30	2	0	31	28
	1		0	16	04
	2		0	22	45
	3		0	18	18
	27		0	20	16
	28		0	01	22
	26		0	52	39
	25		0	00	88
	24		0	24	59

1	2	3	4	5	6
	20		0	19	85
जूनी रो सरोत्री	86		0	29	30
धोलीया	213		0	08	28
	219		0	04	36
	220		0	13	07
	228		0	19	19
	226		0	15	38
	199		0	28	27
	241		0	12	89
	243	1	0	12	68
	243	2	0	14	03
	244		0	07	41
	246		0	05	45
	247		0	04	90
	249		0	06	75
	250		0	02	07
	251		0	08	82
	252		0	06	10
	253		0	11	98
	265		0	02	93
	264		0	06	10
	263		0	06	12
	266		0	07	62
	272		0	14	05
	271		0	17	32
	274		0	06	10
	276		0	12	20
	277		0	08	49
	282	1	0	00	20
	282	2	0	12	20
	279		0	08	23
	280		0	02	18
कालीमाटी	56		0	05	63
	58		0	11	08
	59		0	12	20

1	2	3	4	5	6
	60		0	19	19
	61		0	00	98
	62		0	11	59
	83		0	03	87
	84		0	07	15
	85		0	09	69
	88		0	02	87
	87		0	13	58
धनपुरा	56		0	03	92
	57		0	06	37
	64		0	03	92
	63		0	05	04
	62		0	05	09
	60		0	13	18
	50		0	20	36
	6		0	02	61
	40	1	0	15	61
	40	2	0	16	52
	41		0	09	67
	39	1	0	12	12
	39	2	0	01	74
	38		0	11	22
	37	2	0	05	09
	37	1	0	04	52
	34		0	01	78
	35		0	08	89
	26		0	18	51
	20		0	24	62
	21		0	00	39
	19		0	17	84
	18		0	00	20
जोरापुरा	29		0	08	93
	25		0	00	59
	22		0	06	70
	21		0	08	77

1	2	3	4	5	6
	14		0	06	20
	13		0	05	39
	9		0	14	70
	11		0	19	17
सुणीया	14		0	15	79
	15		0	10	29
	16		0	08	49
	17		0	05	88
	18		0	11	78
	20	1	0	06	70
	21		0	02	99
	28		0	07	08
	56		0	08	71
	57	1	0	05	32
	74		0	24	07
	76		0	04	41
	77		0	10	95
	80		0	10	84
	81		0	29	02
	83		0	06	43
किछोतर	145		0	05	43
	124		0	00	67
	143		0	09	58
	125		0	08	28
	120		0	01	42
	119		0	12	46
	127		0	04	36
	117		0	15	74
	107		0	02	45
	102		0	10	02
	100		0	25	92
	99		0	11	29
अमीरगढ	28	2	0	18	35
	26		1	00	62
	14		0	32	45

1	2	3	4	5	6
	13		0	42	36
डूंगरपुरा	7		0	63	92
	42		0	13	23
	43		0	13	29
	44		0	13	50
	45		0	12	03
	46		0	11	87
	47		0	11	54
	53		0	08	39
	54		0	09	20
	56		0	16	55
	68		0	05	66
	69		0	10	84
	72		0	03	27
उपलाबन्ध	138		0	03	92
	137		0	10	02
निचलाबन्ध	36		0	01	74
	51		0	01	74
	52		0	10	18
	55		0	22	27
	48		0	02	94
आयल	274		0	03	65
	265		0	32	78
	238		0	19	78
	239		0	22	08
	226		0	27	44

[फा. सं. 25011/18/2001-ओ.आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 16th July, 2001

S. O. 1703.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat & Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R.M.Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : AMIRGADH		District : BANASKANTHA		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
RAJPURIYA	4		0	11	33
	5	2	0	10	24
	3		0	06	64
JETHI	98		0	19	06
	99		0	11	43
	100+101		0	47	26
	207		0	01	37
	203		0	24	11
	204		0	04	25
	199		0	20	69
	198		0	14	37
	190		0	13	94
	189		0	08	71
	188		0	07	73
	95		2	79	63
	84+85		0	00	20
IQBALGADH	12		0	18	08
	13		0	08	28
	21	4	2	45	41
	21	3	0	42	41
ZANZARVAV	30	3	0	03	65
	30	2	0	31	28
	1		0	16	04
	2		0	22	45
	3		0	18	18
	27		0	20	16
	28		0	01	22
	26		0	52	39
	25		0	00	88
	24		0	24	59

1	2	3	4	5	6
	20		0	19	85
JUNI ROH SAROTRI	86		0	29	30
DHOLIA	213		0	08	28
	219		0	04	36
	220		0	13	07
	228		0	19	19
	226		0	15	38
	199		0	28	27
	241		0	12	89
	243	1	0	12	68
	243	2	0	14	03
	244		0	07	41
	246		0	05	45
	247		0	04	90
	249		0	06	75
	250		0	02	07
	251		0	08	82
	252		0	06	10
	253		0	11	98
	265		0	02	93
	264		0	06	10
	263		0	06	12
	266		0	07	62
	272		0	14	05
	271		0	17	32
	274		0	06	10
	276		0	12	20
	277		0	08	49
	282	1	0	00	20
	282	2	0	12	20
	279		0	08	23
	280		0	02	18
KALIMATI	56		0	05	63
	58		0	11	08
	59		0	12	20

1	2	3	4	5	6
	60		0	19	19
	61		0	00	98
	62		0	11	59
	83		0	03	87
	84		0	07	15
	85		0	09	69
	88		0	02	87
	87		0	13	58
DHANPURA	56	1	0	03	92
	57		0	06	37
	64		0	03	92
	63		0	05	04
	62		0	05	09
	60		0	13	18
	50		0	20	36
	6		0	02	61
	40	1	0	15	61
	40	2	0	16	52
	41		0	09	67
	39	1	0	12	12
	39	2	0	01	74
	38		0	11	22
	37	2	0	05	09
	37	1	0	04	52
	34		0	01	78
	35		0	08	89
	26		0	18	51
	20		0	24	62
	21		0	00	39
	19		0	17	84
	18		0	00	20
JORAPURA	29		0	08	93
	25		0	00	59
	22		0	06	70
	21		0	08	77

1	2	3	4	5	6
KHUNIYA	14		0	06	20
	13		0	05	39
	9		0	14	70
	11		0	19	17
	14		0	15	79
	15		0	10	29
	16		0	08	49
	17		0	05	88
	18		0	11	78
	20	1	0	06	70
	21		0	02	99
	28		0	07	08
	56		0	08	71
	57	1	0	05	32
	74		0	24	07
	76		0	04	41
	77		0	10	95
	80		0	10	84
	81		0	29	02
	83		0	06	43
KIDOTAR	145		0	05	43
	124		0	00	67
	143		0	09	58
	125		0	08	28
	120		0	01	42
	119		0	12	46
	127		0	04	36
	117		0	15	74
	107		0	02	45
	102		0	10	02
AMIRGADH	100		0	25	92
	99		0	11	29
	28	2	0	18	35
	26		1	00	62
	14		0	32	45

1	2	3	4	5	6
	13		0	42	36
DUNGARPURA	7		0	63	92
	42		0	13	23
	43		0	13	29
	44		0	13	50
	45		0	12	03
	46		0	11	87
	47		0	11	54
	53		0	08	39
	54		0	09	20
	56		0	16	55
	68		0	05	66
	69		0	10	84
	72		0	03	27
UPLOBANDH	138		0	03	92
	137		0	10	02
NICHLOBANDH	36		0	01	74
	51		0	01	74
	52		0	10	18
	55		0	22	27
	48		0	02	94
AWAL	274		0	03	65
	265		0	32	78
	238		0	19	78
	239		0	22	08
	226		0	27	44

[File No. 25011/18/2001-OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 16 जुलाई, 2001

का. आ. 1704.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शन के संवर्द्धन" के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुराची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, श्री आर.एम.पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन प्रभाग) पो.बा.सं. 4, डाकघर विरमगाम, जिला-अहमदाबाद, गुजरात-382150 को कर सकेगा।

अनुसूची

तालूका : सिन्धपुर		जिला : पाटण		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
कनेसरा	260		0	00	42
	259	1	0	06	14
	259		0	07	42
	262	1	0	00	63
	263		0	08	10
	263	1	0	09	33
	268	2	0	04	33
	264		0	03	30
	264	1	0	08	52
	266		0	12	82
	232	1	0	08	50
	231		0	05	31
	232		0	05	86
	235		0	07	40
	234		0	01	68
	236	1	0	10	77
	225		0	10	51
	225	1	0	02	27
	224		0	02	80
	223	1	0	08	08
	223		0	03	86
	218		0	06	47
	221		0	12	02
अली	127		0	06	60
	128		0	01	16
	158		0	00	20
	157		0	08	45
	159		0	00	20
	156		0	07	39
	154		0	08	13
	152		0	06	55
150		0	08	76	

1	2	3	4	5	6
	176		0	15	26
	175		0	06	65
	178		0	02	67
	179		0	16	97
	182		0	01	18
ओलवाडा	49		0	17	31
	51		0	09	21
	48		0	00	47
	47		0	24	19
	46	1	0	09	88
	45	1	0	00	99
	44	2	0	00	20
	45	2	0	08	56
	45	3	0	00	20
	25		0	14	26
	103		0	06	57
	114		0	04	84
	113	1	0	07	26
	113		0	00	20
	112		0	11	40
	111		0	06	13
	110		0	11	87
	139		0	25	92
	132		0	10	95
	131		0	09	53
	129	1	0	19	35
	128		0	05	36
	127		0	04	84
	178		0	04	36
	177		0	05	18
	176		0	12	44
	174		0	10	37
	186		0	10	02
	270		0	17	97
गणेशपुरा	2		0	53	30
	401		0	08	64
	402		0	26	96

1	2	3	4	5	6
	375		0	19	09
	376		0	10	85
	377		0	04	88
	358		0	16	12
	354		0	15	60
	355		0	00	20
	350		0	27	30
सिधपुर	89		0	46	64
	106		0	08	99
	118		0	06	65
	117		0	20	22
	116		0	24	03
	115		0	01	11
	113		0	30	41
	145		0	16	59
	153		0	14	34
	152		0	14	52
	151		0	21	77
	156		0	19	35
	160		0	09	33
	170		0	22	57
	166		0	00	24
	165		0	19	00
	426		0	04	15
	427		0	09	33
	428		0	15	14
	438		0	15	16
	439		0	07	18
	444		0	10	37
	445		0	06	22
	443		0	07	26
	454		0	14	12
	455		0	03	39
	460		0	08	58
	456	1	0	03	00
	457	1	0	00	20
	457	2	0	10	73

1	2	3	4	5	6
	459		0	03	98
	458		0	07	77
	469		0	08	72
	470		0	02	12
	471		0	01	33
	440		0	09	76
	441		0	05	53
	443		0	05	01
	442		0	15	86
गंगलासण	424		0	05	62
	425		0	07	23
	426		0	00	20
	427		0	06	20
	428		0	07	52
	429		0	05	61
	395		0	19	82
	397		0	00	66
	398		0	15	72
	399		0	28	68
	400		0	02	32
	347		0	18	33
	348		0	18	84
	349		0	05	79
	343		0	16	93
	312		0	06	48
	311		0	06	48
	310		0	02	16
	308		0	07	26
	307		0	09	16
	270		0	13	48
	272		0	04	50
	271		0	09	85
	284		0	11	66
	283		0	15	90
	292		0	10	89
	294		0	10	71
	237		0	12	53

1	2	3	4	5	6
	236		0	09	11
	235		0	00	91
सुजाणपुर	344		0	12	64
	343		0	02	43
	350		0	25	57
	357		0	21	60
	358		0	05	88
	362		0	09	33
	376		0	20	30
	378		0	29	13
	372		0	00	59
	297		0	23	59
	298		0	01	04
	299		0	13	80
	283		0	26	87
	282		0	14	77
	128	2	0	05	53
	131		0	15	38
	128	1	0	02	58
	130		0	00	58
	132		0	17	62
	133		0	01	47
	140		0	10	37
	134		0	10	54
	135		0	09	68
	104	1	0	34	56
	106		0	19	45
	100		0	27	39
सेदराणा	1133		0	00	74

[फा. सं. 25011/19/2001-ओ.आर-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 16th July, 2001

S. O. 1704.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R.M Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : SIDHPUR		District : PATAN		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
KANESARA	260		0	00	42	
	259	1	0	06	14	
	259		0	07	42	
	262	1	0	00	63	
	263		0	08	10	
	263	1	0	09	33	
	268	2	0	04	33	
	264		0	03	30	
	264	1	0	08	52	
	266		0	12	82	
	232	1	0	08	50	
	231		0	05	31	
	232		0	05	86	
	235		0	07	40	
	234		0	01	68	
	236	1	0	10	77	
	225		0	10	51	
	225	1	0	02	27	
	224		0	02	80	
	223	1	0	08	08	
	223		0	03	86	
	218		0	06	47	
	221		0	12	02	
KHALI	127		0	06	60	
	128		0	01	16	
	158		0	00	20	
	157		0	08	45	
	159		0	00	20	
	156		0	07	39	
	154		0	08	13	
	152		0	06	55	
	150		0	08	76	

1	2	3	4	5	6
	176		0	15	26
	175		0	06	65
	178		0	02	67
	179		0	16	97
	182		0	01	18
KHOLVADA	49		0	17	31
	51		0	09	21
	48		0	00	47
	47		0	24	19
	46	1	0	09	88
	45	1	0	00	99
	44	2	0	00	20
	45	2	0	08	56
	45	3	0	00	20
	25		0	14	26
	103		0	06	57
	114		0	04	84
	113	1	0	07	26
	113		0	00	20
	112		0	11	40
	111		0	06	13
	110		0	11	87
	139		0	25	92
	132		0	10	95
	131		0	09	53
	129	1	0	19	35
	128		0	05	36
	127		0	04	84
	178		0	04	36
	177		0	05	18
	176		0	12	44
	174		0	10	37
	186		0	10	02
	270		0	17	97
GANESHPURA	2		0	53	30
	401		0	08	64
	402		0	26	96

1	2	3	4	5	6
SIDHPUR	375		0	19	09
	376		0	10	85
	377		0	04	88
	358		0	16	12
	354		0	15	60
	355		0	00	20
	350		0	27	30
	89		0	46	64
	106		0	08	99
	118		0	06	65
	117		0	20	22
	116		0	24	03
	115		0	01	11
	113		0	30	41
	145		0	16	59
	153		0	14	34
	152		0	14	52
	151		0	21	77
	156		0	19	35
	160		0	09	33
	170		0	22	57
	166		0	00	24
	165		0	19	00
	426		0	04	15
	427		0	09	33
	428		0	15	14
	438		0	15	16
	439		0	07	18
	444		0	10	37
	445		0	06	22
	443		0	07	26
	454		0	14	12
	455		0	03	39
	460		0	08	58
	456	1	0	03	00
	457	1	0	00	20
	457	2	0	10	73

1	2	3	4	5	6
	459		0	03	98
	458		0	07	77
	469		0	08	72
	470		0	02	12
	471		0	01	33
	440		0	09	76
	441		0	05	53
	443		0	05	01
	442		0	15	86
GANGLASAN	424		0	05	62
	425		0	07	23
	426		0	00	20
	427		0	06	20
	428		0	07	52
	429		0	05	61
	395		0	19	82
	397		0	00	66
	398		0	15	72
	399		0	28	68
	400		0	02	32
	347		0	18	33
	348		0	18	84
	349		0	05	79
	343		0	16	93
	312		0	06	48
	311		0	06	48
	310		0	02	16
	308		0	07	26
	307		0	09	16
	270		0	13	48
	272		0	04	50
	271		0	09	85
	284		0	11	66
	283		0	15	90
	292		0	10	89
	294		0	10	71
	237		0	12	53

1	2	3	4	5	6
SUJANPUR	236		0	09	11
	235		0	00	91
	344		0	12	64
	343		0	02	43
	350		0	25	57
	357		0	21	60
	358		0	05	88
	362		0	09	33
	376		0	20	30
	378		0	29	13
	372		0	00	59
	297		0	23	59
	298		0	01	04
	299		0	13	80
	283		0	26	87
	282		0	14	77
	128	2	0	05	53
	131		0	15	38
	128	1	0	02	58
	130		0	00	58
	132		0	17	62
	133		0	01	47
	140		0	10	37
	134		0	10	54
	135		0	09	68
	104	1	0	34	56
	106		0	19	45
	100		0	27	39
SEDRANA	1133		0	00	74

[No. R-25011/19/2001 OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 16 जुलाई, 2001

का. आ. 1705.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शन के संवर्द्धन” के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, श्री आर.एम.पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन प्रभाग) पो.बा.सं. 4, डाकघर विरमगाम, जिला-अहमदाबाद, गुजरात-382150 को कर सकेगा।

अनुसूची

तालूका : पालनपुर		जिला : बनासकांठ		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
काणोदर	302	3	0	03	34
	301		0	25	17
	300		0	01	31
	305		0	18	59
	299		0	00	20
	297		0	00	54
	306	1	0	11	80
	306	6	0	08	07
	306	7	0	05	43
	349	2	0	05	11
	349	3	0	02	74
	349	4	0	02	96
	348	1	0	03	26
	348	2	0	03	19
	348	3	0	03	57
	347	2	0	00	20
	347	3	0	01	80
	347	5	0	04	53
	311	1	0	02	19
	311	3	0	00	40
	312	1	0	07	27
	312	2	0	05	54
	313		0	01	75
	314	1	0	07	28
	314	2	0	12	33
	286		0	00	20
	285		0	07	10
	284		0	26	42
	278		0	00	20
	282		0	02	54
	281		0	07	71
	180		0	03	31

1	2	3	4	5	6
	183		0	09	80
	184		0	00	71
	185		0	33	50
	189		0	01	72
	188		0	20	29
	192		0	11	05
	193		0	15	24
	194		0	09	44
	154		0	20	14
	153		0	25	85
	150		0	03	32
	152		0	00	78
	125		0	25	85
	126		0	01	18
	121		0	15	32
	119		0	06	40
	127		0	04	12
	128		0	23	74
	118		0	08	40
	117		0	00	25
	116		0	42	41
	58		0	01	07
जगाना	165		0	00	20
	169		0	40	81
	174		0	29	58
	175		0	40	27
	176		0	04	63
	178+179+180+182		0	53	57
	181		0	15	41
	187		0	27	17
	188	2	0	10	45
	188	1	0	00	20
	189		0	14	43
	192		0	01	88
	190		0	17	07
	214	4	0	07	24
	214	3	0	04	25
	214	1	0	05	28

1	2	3	4	5	6
	215		0	05	23
	213		0	08	85
	220		0	07	49
	221	9	0	09	62
	221	6	0	01	42
	221	7	0	03	95
	221	4	0	04	85
	222	1	0	00	20
	229+230	1	0	08	61
	229+230	3	0	06	07
	229+230	4	0	04	54
	229+230		0	10	78
	228		0	10	02
	237		0	10	45
	238	4	0	06	97
	240		0	17	75
	241		0	04	14
	265	2	0	08	43
	265	3	0	04	52
	264		0	26	19
	269		0	13	94
	268		0	09	10
	270		0	05	93
	285+286	1	0	45	25
	284	3	0	13	05
	311		0	12	47
	312		0	07	55
	313		0	14	16
	314	2	0	08	95
इसबीपुरा	14		0	23	72
	16	1	0	21	23
	16	2	0	07	74
	16	4	0	13	37
	17	1	0	17	10
	4+5		0	25	89
	6	1	0	09	70
	6	3	0	08	60
	6	5	0	07	84

1	2	3	4	5	6
पालनपुर	1026	2	0	21	56
	1021	1	0	04	14
	1021	2	0	09	15
	1022		0	12	20
	905		0	21	00
	898		0	01	65
	900		0	07	08
	904		0	05	99
	902		0	17	86
	819		0	11	33
	817+818		0	25	05
	816+830+831		0	17	21
	806		0	00	20
	807+814+815		0	24	06
	838+839+841+842		0	19	80
	843		0	16	74
	844		0	13	94
	753	1	0	06	20
	753	2	0	05	56
	754		0	04	57
	746+747		0	22	00
	743+744		0	36	44
	654	1	0	08	38
	655		0	10	34
	661	3	0	03	76
	662	2	0	10	50
	663		0	15	68
	668	2	0	19	06
	676	2	0	10	56
	673+674		0	32	62
	493		0	18	75
	492	1	0	19	40
	492	2	0	07	13
	488		0	00	20
	491		0	60	03
	489		0	11	98
	490		0	04	19
	483+484		0	41	34

1	2	3	4	5	6
	411	4	0	05	00
	411	6	0	02	30
	410		0	11	54
	363		0	01	96
	362	1	0	08	14
	362	2	0	08	20
	361	1	0	13	83
	359		0	16	34
	344		0	21	45
	335		0	10	02
	336+337		0	19	34
	285+287		0	13	50
	284		0	00	20
	286		0	21	68
	283	1	0	03	05
	289	1	0	05	45
	291		0	27	45
	290		0	12	12
	292	1	0	30	47
	293		0	04	01
	302		0	22	61
	304		0	20	72
	305		0	16	45
	307		0	18	40
	306		0	04	36
	310		0	24	18
	12		0	05	18
	10+11		0	17	10
	16	3	0	00	20
	16	5	0	08	53
	16	6	0	11	53
	17		0	16	77
	8+9		0	04	98
	18		0	09	21
	19	7	0	08	50
	19	8	0	10	40
	21+22		0	07	65
	30+31		0	33	82

सोनगढ

1	2	3	4	5	6
	34	1	0	09	97
	28+29	4	0	04	49
	28+29	5	0	10	32
	36		0	01	09
	37		0	11	11
	38+45+49		0	06	73
	39+40+41		0	16	91
वरवाहीया(सेगंपरीया)	20+21		0	19	60
	17		0	05	06
	22+23		0	50	72
खेमाणा	124+125		0	35	73
	116+122		0	00	74
	123		0	19	96
	126+127+128+129		0	55	06
	10		0	19	96
	11		0	22	99
	12		0	17	17
	13		0	03	03
	22		0	05	39
	14		0	02	80
	21		0	00	48
	15		0	05	17
	19		0	07	66
	18		0	08	29
	17		0	02	85
	50+51		0	30	47
	52+53		0	22	43
मलाणा	154	2	0	00	20
	151+152+153		0	25	50
	150		0	21	56
	149		0	05	66
	146+148	1	0	31	15
हेबतपुर	16		0	16	60
	15	1	0	10	04
	15	2	0	04	12
	14		0	25	05
	3		0	10	51
	9		0	07	73

1	2	3	4	5	6
	8		0	07	61
	4	2	0	02	43
	4	1	0	04	00
	7	2	0	06	29
	7	1	0	05	77
चित्रासणी	96		0	32	48
	101		0	07	43
	104		0	05	50
	105		0	09	95
	106		0	07	65
	108		0	04	06
	140	1	0	09	88
	140	2	0	16	56
	146		0	01	93
	139		0	12	41
	148	1	0	00	93
	148	2	0	10	16
	150		0	07	85
	151		0	30	30
	167		0	04	56
चांडगाढ कोटाहा	67	2	0	05	55
	67	6	0	02	45
	67	5	0	01	24
	63	3	0	03	05
	62		0	30	60
	54	1	0	16	58
	53		0	26	60
	47	1	0	27	90
	48		0	18	18
	49		0	06	81
	39		0	09	56

[फा. सं. 25011/20/2001-ओ.आर-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 16th July, 2001

S. O. 1705.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying of such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. R.M.Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : PALANPUR		District : BANASKANTHA		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
KANODAR	302	3	0	03	34
	301		0	25	17
	300		0	01	31
	305		0	18	59
	299		0	00	20
	297		0	00	54
	306	1	0	11	80
	306	6	0	08	07
	306	7	0	05	43
	349	2	0	05	11
	349	3	0	02	74
	349	4	0	02	96
	348	1	0	03	26
	348	2	0	03	19
	348	3	0	03	57
	347	2	0	00	20
	347	3	0	01	80
	347	5	0	04	53
	311	1	0	02	19
	311	3	0	00	40
	312	1	0	07	27
	312	2	0	05	54
	313		0	01	75
	314	1	0	07	28
	314	2	0	12	33
	286		0	00	20
	285		0	07	10
	284		0	26	42
	278		0	00	20
	282		0	02	54
	281		0	07	71
	180		0	03	31

1	2	3	4	5	6
	183		0	09	80
	184		0	00	71
	185		0	33	50
	189		0	01	72
	188		0	20	29
	192		0	11	05
	193		0	15	24
	194		0	09	44
	154		0	20	14
	153		0	25	85
	150		0	03	32
	152		0	00	78
	125		0	25	85
	126		0	01	18
	121		0	15	32
	119		0	06	40
	127		0	04	12
	128		0	23	74
	118		0	08	40
	117		0	00	25
	116		0	42	41
	58		0	01	07
JAGANA	165		0	00	20
	169		0	40	81
	174		0	29	58
	175		0	40	27
	176		0	04	63
	178+179+180+182		0	53	57
	181		0	15	41
	187		0	27	17
	188	2	0	10	45
	188	1	0	00	20
	189		0	14	43
	192		0	01	88
	190		0	17	07
	214	4	0	07	24
	214	3	0	04	25
	214	1	0	05	28

1	2	3	4	5	6
	215		0	05	23
	213		0	08	85
	220		0	07	49
	221	9	0	09	62
	221	6	0	01	42
	221	7	0	03	95
	221	4	0	04	85
	222	1	0	00	20
	229+230	1	0	08	61
	229+230	3	0	06	07
	229+230	4	0	04	54
	229+230		0	10	78
	228		0	10	02
	237		0	10	45
	238	4	0	06	97
	240		0	17	75
	241		0	04	14
	265	2	0	08	43
	265	3	0	04	52
	264		0	26	19
	269		0	13	04
	268		0	09	10
	270		0	05	93
	285+286	1	0	45	25
	284	3	0	13	05
	311		0	12	47
	312		0	07	55
	313		0	14	16
	314	2	0	08	95
ESBIPURA	14		0	23	72
	16	1	0	21	23
	16	2	0	07	74
	16	4	0	13	37
	17	1	0	17	10
	4+5		0	25	89
	6	1	0	09	70
	6	3	0	08	60
	6	5	0	07	84

1	2	3	4	5	6
PALANPUR	1026	2	0	21	56
	1021	1	0	04	14
	1021	2	0	09	15
	1022		0	12	20
	905		0	21	00
	898		0	01	65
	900		0	07	08
	904		0	05	99
	902		0	17	86
	819		0	11	33
	817+818		0	25	05
	816+830+831		0	17	21
	806		0	00	20
	807+814+815		0	24	06
	838+839+841+842		0	19	80
	843		0	16	74
	844		0	13	94
	753	1	0	06	20
	753	2	0	05	56
	754		0	04	57
	746+747		0	22	22
	743+744		0	36	44
	654	1	0	08	38
	655		0	10	34
	661	3	0	03	76
	662	2	0	10	50
	666		0	15	68
	668	2	0	19	06
	676	2	0	10	56
	673+674		0	32	62
	493		0	18	75
	492	1	0	19	40
	492	2	0	07	13
	488		0	00	20
	491		0	60	03
	489		0	11	98
	490		0	04	19
	483+484		0	41	34

1	2	3	4	5	6
	411	4	0	05	00
	411	6	0	02	30
	410		0	11	54
	363		0	01	96
	362	1	0	08	14
	362	2	0	08	20
	361	1	0	13	83
	359		0	16	34
	344		0	21	45
	335		0	10	02
	336+337		0	19	34
	285+287		0	13	50
	284		0	00	20
	286		0	21	68
	283	1	0	03	05
	289	1	0	05	45
	291		0	27	45
	290		0	12	12
	292	1	0	30	47
	293		0	04	01
	302		0	22	61
	304		0	20	72
	305		0	16	46
	307		0	18	40
	306		0	04	36
	310		0	24	18
SONGADH	12		0	05	18
	10+11		0	17	10
	16	3	0	00	20
	16	5	0	08	53
	16	6	0	11	53
	17		0	16	77
	8+9		0	04	98
	18		0	09	21
	19	7	0	08	50
	19	8	0	10	40
	21+22		0	07	65
	30+31		0	33	82

1	2	3	4	5	6
	34	1	0	09	97
	28+29	4	0	04	49
	28+29	5	0	10	32
	35		0	01	09
	37		0	11	11
	38+45+49		0	06	73
	39+40+41		0	16	91
VARVADIYA(SENGPARIA)	20+21		0	19	60
	17		0	05	06
	22+23		0	50	72
KHEMANA	124+125		0	35	73
	116+122		0	00	74
	123		0	19	96
	126+127+128+129		0	55	06
	10		0	19	96
	11		0	22	99
	12		0	17	17
	13		0	03	03
	22		0	05	39
	14		0	02	80
	21		0	00	48
	15		0	05	17
	19		0	07	66
	18		0	08	29
	17		0	02	85
	50+51		0	30	47
	52+53		0	22	43
MALANA	154	2	0	00	20
	151+152+153		0	25	50
	150		0	21	56
	149		0	05	66
	146+148	1	0	31	15
HEBATPUR	16		0	16	60
	15	1	0	10	04
	15	2	0	04	12
	14		0	25	05
	3		0	10	51
	9		0	07	73

1	2	3	4	5	6
	8		0	07	61
	4	2	0	02	43
	4	1	0	04	00
	7	2	0	06	29
	7	1	0	05	77
CHITRASANI	96		0	32	48
	101		0	07	43
	104		0	05	50
	105		0	09	95
	106		0	07	65
	108		0	04	06
	140	1	0	09	88
	140	2	0	16	56
	146		0	01	93
	139		0	12	41
	148	1	0	00	93
	148	2	0	10	16
	150		0	07	85
	151		0	30	30
	167		0	04	56
CHANDGADH KOTADA	67	2	0	05	55
	67	6	0	02	45
	67	5	0	01	24
	63	3	0	03	05
	62		0	30	60
	54	1	0	16	58
	53		0	26	60
	47	1	0	27	90
	48		0	18	18
	49		0	06	81
	39		0	09	56

[No. R-25011/20/2001 OR-I]
S. CHANDRASEKILAR, Under Secy.

नई दिल्ली, 16 जुलाई, 2001

का. आ. 1706.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होते हुए अपरिष्कृत तेल के परिवहन के लिए, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शन के संवर्द्धन" के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए ,

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन प्रभाग) पो. ग्रा. सं. 4, डाकघर विरमगाम, जिला-अहमदाबाद, गुजरात-382150 को कर सकेगा।

अनुसूची

तालूका : वडगाव	जिला : बनासकांठ		राज्य : गुजरात		
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
तेजीवाडा	178		0	51	71
	177		0	21	34
	176		0	08	98
	175		0	08	82
	172	2	0	10	73
	172	1	0	12	63
	170	1	0	03	27
	169	1	0	06	43
	168	2	0	07	41
	168	1	0	05	66
	165	2	0	05	55
	164	1	0	00	20
	166		0	07	30
	162		0	12	96
	161	3	0	05	25
	161	2	0	00	20
	155	3	0	07	62
	155	2	0	08	71
	155	1	0	02	18
	150		0	10	67
	149		0	08	93
	116		0	13	37
	115		0	00	35
	117		0	09	91
	119		0	06	75
	118		0	08	49
	120		0	00	24
	121	2	0	07	27
	121	1	0	06	64
	122		0	11	90
	124	2	0	00	78
	124	1	0	10	71

1	2	3	4	5	6
	129		0	18	51
	130		0	00	20
	1+2		0	22	26
	6		0	01	61
	7		0	11	32
	8		0	00	26
	9		0	05	66
	10		0	07	95
	275		0	31	54
रजोसना	17		0	19	96
	20		0	06	49
	21		0	06	21
	22		0	05	29
	23		0	09	91
	51		0	21	94
	53		0	01	31
	52		0	13	23
	46		0	05	17
	45		0	07	57
	60		0	08	31
	43/1+44/1+44/2		0	12	83
	73+74		0	15	33
	75		0	12	83
छापी	164		0	29	42
	165		0	06	71
	167		0	08	06
	168		0	12	09
	255		0	02	61
	254		0	05	99
	247		0	01	96
	248		0	08	60
	250	1	0	06	64
	249		0	07	84
	251		0	08	06
	242		0	13	94
	239		0	14	21
	275		0	31	27

1	2	3	4	5	6
	279		0	30	32
	280		0	00	20
	281		0	03	69
	282		0	01	35
	283		0	03	67
	284/1+2+3		0	06	32
	289		0	11	11
	286		0	02	16
	287		0	16	88
	308		0	12	09
	309		0	03	59
	310		0	05	34
	311		0	02	83
	312		0	05	94
	314		0	04	96
मजादर	123		0	19	49
	122		0	19	38
	128		0	03	81
	127		0	15	59
	139		0	00	69
	140		0	14	27
	141		0	10	78
	142		0	15	30
	150		0	11	11
	143		0	00	20
	144		0	16	12
	146	1	0	02	83
	224		0	07	08
	227		0	01	02
	226		0	16	73
	230		0	01	03
	235		0	09	75
	234	2	0	05	12
	232		0	09	37
	233	1	0	00	20
	233	2	0	06	55
	233	3	0	12	42

1	2	3	4	5	6
	233	4	0	00	88
	247	2	0	12	10
	248	1	0	05	94
	248	2	0	02	94
	286		0	03	80
	287		0	06	50
	282		0	04	79
	280		0	11	54
	279		0	03	81
	278		0	05	23
	318		0	06	41
	319		0	06	71
	322		0	03	21
	324		0	06	43
	325		0	04	14
	328	1	0	15	93
	329		0	09	31
	330		0	07	74
	331	1	0	00	20
	331	2	0	09	19
	342		0	15	06
	339		0	07	20
	340		0	31	66
	399		0	00	20
शेरपुरा	38		0	05	66
	36		0	07	41
भरकावाहा	237		0	13	83
	238		0	02	45

New Delhi, the 16th July, 2001

S. O. 1706.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat & Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying of the said pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : VADGAM		District : BANASKANTHA		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
TENIWADA	178		0	51	71
	177		0	21	34
	176		0	08	98
	175		0	08	82
	172	2	0	10	73
	172	1	0	12	63
	170	1	0	03	27
	169	1	0	06	43
	168	2	0	07	41
	168	1	0	05	66
	165	2	0	05	55
	164	1	0	00	20
	166		0	07	30
	162		0	12	96
	161	3	0	05	25
	161	2	0	00	20
	155	3	0	07	62
	155	2	0	08	71
	155	1	0	02	18
	150		0	10	67
	149		0	08	93
	116		0	13	37
	115		0	00	35
	117		0	09	91
	119		0	06	75
	118		0	08	49
	120		0	00	24
	121	2	0	07	27
	121	1	0	06	64
	122		0	11	90
	124	2	0	00	78
	124	1	0	10	71

1	2	3	4	5	6
	129		0	18	51
	130		0	00	20
	1+2		0	22	26
	6		0	01	61
	7		0	11	32
	8		0	00	26
	9		0	05	66
	10		0	07	95
	275		0	31	54
RAJOSANA	17		0	19	96
	20		0	06	49
	21		0	06	21
	22		0	05	29
	23		0	09	91
	51		0	21	94
	53		0	01	31
	52		0	13	23
	46		0	05	17
	45		0	07	57
	60		0	08	31
	43/1+44/1+44/2		0	12	83
	73+74		0	15	33
	75		0	12	83
CHHAPI	164		0	29	42
	165		0	06	71
	167		0	08	06
	168		0	12	09
	255		0	02	61
	254		0	05	99
	247		0	01	96
	248		0	08	60
	250	1	0	06	64
	249		0	07	84
	251		0	08	06
	242		0	13	94
	239		0	14	21
	275		0	31	27

1	2	3	4	5	6
	279		0	30	32
	280		0	00	20
	281		0	03	69
	282		0	01	35
	283		0	03	67
	284/1+2+3		0	06	32
	289		0	11	11
	286		0	02	16
	287		0	16	88
	308		0	12	09
	309		0	03	59
	310		0	05	34
	311		0	02	83
	312		0	05	94
	314		0	04	96
MAJADAR	123		0	19	49
	122		0	19	38
	128		0	03	81
	127		0	15	59
	139		0	00	69
	140		0	14	27
	141		0	10	78
	142		0	15	30
	150		0	11	11
	143		0	00	20
	144		0	16	12
	146	1	0	02	83
	224		0	07	08
	227		0	01	02
	226		0	16	73
	230		0	01	03
	235		0	09	75
	234	2	0	05	12
	232		0	09	37
	233	1	0	00	20
	233	2	0	06	55
	233	3	0	12	42

1	2	3	4	5	6
	233	4	0	00	88
	247	2	0	12	10
	248	1	0	05	94
	248	2	0	02	94
	286		0	03	80
	287		0	06	50
	282		0	04	79
	280		0	11	54
	279		0	03	81
	278		0	05	23
	318		0	06	41
	319		0	06	71
	322		0	03	21
	324		0	06	43
	325		0	04	14
	328	1	0	15	93
	329		0	09	31
	330		0	07	74
	331	1	0	00	20
	331	2	0	09	19
	342		0	15	06
	339		0	07	20
	340		0	31	66
	399		0	00	20
SHERPURA	38		0	05	66
	36		0	07	41
BHARKAWADA	237		0	13	83
	238		0	02	45

[No. R-25011/21/2001 OR-I]
S. CHANDRASEKHAR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 जून, 2001

का०आ० 1707.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है, कि राजस्थान राज्य में कांडला/जामनगर—लोनी पाइपलाइन परियोजना के माध्यम से द्रवित पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और केन्द्रीय सरकार ने, कांडला—जामनगर—लोनी द्रवित पेट्रोलियम गैस पाइपलाइन के लिये का०आ० 241 तारीख 20 जनवरी, 1998 द्वारा राजस्थान राज्य सरकार से गैस अथॉरिटी ऑफ इंडिया लिमिटेड में प्रतिनियुक्त श्री दीपक सी० गुप्ता, अपर कलेक्टर को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिये प्राधिकृत किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन का०आ० 2387 तारीख 17 नवम्बर, 1998, का०आ० 2558 तारीख 27 नवम्बर, 1998, का०आ० 171(अ) तारीख 16 मार्च, 1999, का०आ० 2687 तारीख 10 दिसम्बर, 1998, का०आ० 172(अ) तारीख 16 मार्च, 1999, का०आ० 1057(अ) तारीख 9 दिसम्बर, 1998, का०आ० 2688 तारीख 10 दिसम्बर, 1998, का०आ० 170(अ) तारीख 16 मार्च, 1999, का०आ० 2686 तारीख 10 दिसम्बर, 1998, का०आ० 2684 तारीख 10 दिसम्बर, 1998, का०आ० 1093(अ) तारीख 22 दिसम्बर, 1998, का०आ० 1218(अ) तारीख 6 दिसम्बर, 1999 द्वारा उनसे संलग्न संबंधित अनुसूचियों में विनिर्दिष्ट रीति से भूमि में उपयोग के अधिकार के अर्जन के लिये अधिसूचनाएं प्रकाशित की थीं;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (2) के खंड (क) और इसकी उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निर्देश करती है कि नीचे वर्णित सारणी के स्तम्भ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचना, उक्त सारणी के स्तम्भ (3) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट रीति में संशोधित की जा सकेगी।

सारणी

कार्यालय आदेश व दिनांक	संशोधन
1	2
का.आ. 2387 दिनांक 17 नवम्बर, 1998	पृष्ठ सं. 4372 पर ग्राम बासदयाल, तहसील बानसूर के अन्तर्गत खसरा नं. "95" व "95/390" को "95/ 398 मिन.", "95/398 मिन.", "95/397" पढ़ें।

1

2

का.आ. 2558
दिनांक 27 नवम्बर,
1998

पृष्ठ सं. 4712 पर ग्राम धुनडाला,
तहसील बानसूर के खसरा नं.
"247" के क्षेत्रफल "0.0158",
को विलोपित माना जाये।

पृष्ठ सं. 4712 पर ग्राम धुनडाला,
तहसील बानसूर के अन्तर्गत कुल
क्षेत्रफल "2.1621" को "2.1463"
पढ़ें।

पृष्ठ सं. 4708 पर ग्राम जगदेत कलां,
तहसील बानसूर के अन्तर्गत खसरा
नं. "30" के क्षेत्रफल "0.0010",
खसरा नं. "15" के क्षेत्रफल
"0.0025", खसरा नं. "16" के
क्षेत्रफल "0.0150" को विलोपित
माना जाये।

पृष्ठ सं. 4708 पर ग्राम जगदेत कलां,
तहसील बानसूर के अन्तर्गत कुल
क्षेत्रफल "2.0829" को "2.0644"
पढ़ें।

का.आ. 2387
दिनांक 17 नवम्बर,
1998

पृष्ठ सं. 4378 और 4379 पर ग्राम
चैनपुरा, तहसील बानसूर के अन्तर्गत
खसरा नं. "335" के क्षेत्रफल
"0.0120", खसरा नं. "334"
के क्षेत्रफल "0.0040", खसरा नं.
"327" के क्षेत्रफल "0.0125",
खसरा नं. "283" के क्षेत्रफल
"0.0079", खसरा नं. "284"
के क्षेत्रफल "0.0166" को विलोपित
माना जाये।

पृष्ठ सं. 4378 व 4379 पर ग्राम
चैनपुरा तहसील बानसूर के अन्तर्गत
कुल क्षेत्रफल "2.5819" को
"2.5289" पढ़ें।

पृष्ठ सं. 4376 पर ग्राम खेड़ा श्यामपुरा,
तहसील बानसूर के अन्तर्गत खसरा
नं. "1898" के क्षेत्रफल "0.0767"
को "0.0600", खसरा नं.
"1899" के क्षेत्रफल "0.0025"
को "0.0200", खसरा नं. "1910" के
क्षेत्रफल "0.0010" को "0.0300",
खसरा नं. "1912" के क्षेत्रफल
"0.3643" को "0.3980", खसरा
नं. "1909" के क्षेत्रफल "0.1574"

1	2	1	2
	को "0.0900", खसरा नं. "1908" के क्षेत्रफल "0.0158" को "0.0240", खसरा नं. "1904" के क्षेत्रफल "0.1980" को "0.2695", खसरा नं. "1906" के क्षेत्रफल "0.0792" को "0.0260" पढ़ें। और खसरा नं. "1905" के क्षेत्रफल "0.0010", खसरा नं. "1733" के क्षेत्रफल "0.0396" को विलोपित माना जाये।	का.आ. 2687 दिनांक 10 दिसम्बर, 1998	पृष्ठ सं. 4964 पर ग्राम पेहल, तहसील मुण्डावर के अन्तर्गत खसरा नं. "697" के क्षेत्रफल "0.1000" को विलोपित माना जाये। पृष्ठ सं. 4967, 4968 पर ग्राम ततारपुर, तहसील मुण्डावर के अन्तर्गत खसरा नं. "793" के क्षेत्रफल "0.0080", खसरा नं. "1625" के क्षेत्रफल "0.0158" को विलोपित माना जाये।
का.आ. 2558 दिनांक 27 नवम्बर, 1998	पृष्ठ सं. 4710 पर ग्राम हरसौरा, तहसील बानसूर के अन्तर्गत खसरा नं. "392" के क्षेत्रफल "0.0040" को "0.1029", खसरा नं. "393" के क्षेत्रफल "0.1029" को "0.0079" पढ़ें। खसरा नं. "395" के क्षेत्रफल "0.0079" को विलोपित माना जाये।	का.आ. 172(अ) दिनांक 16 मार्च, 1999	पृष्ठ सं. 6 पर ग्राम रायपुर, तहसील मुण्डावर के अन्तर्गत खसरा नं. "118" के क्षेत्रफल "0.0080" को विलोपित माना जाये। पृष्ठ सं. 6 पर ग्राम रसगन तहसील मुण्डावर के अन्तर्गत खसरा नं. "183" को "182" पढ़ें।
का.आ. 2387 दिनांक 17 नवम्बर, 1998	पृष्ठ सं. 4375 पर ग्राम बाढ़भायसिंह, तहसील बानसूर के अन्तर्गत खसरा नं. "5" के क्षेत्रफल "0.0792" को "0.0700", खसरा नं. "4" के क्षेत्रफल को "0.0554" को "0.0340", खसरा नं. "3" के क्षेत्रफल "0.0396" को "0.0120", खसरा नं. "8" के क्षेत्रफल "0.0257" को "0.1096" पढ़ें। खसरा नं. "2" के क्षेत्रफल "0.0257" को विलोपित माना जाये।	का.आ. 1057(अ) दिनांक 9 दिसम्बर, 1998	पृष्ठ सं. 88 पर ग्राम झरियाना, तहसील कोटकासिम के अन्तर्गत खसरा नं. "77" के क्षेत्रफल "0.0080" को विलोपित माना जाये। पृष्ठ सं. 86 पर ग्राम हासपुरखुर्द, तहसील कोटकासिम के अन्तर्गत खसरा नं. "353" के क्षेत्रफल "0.0020" को विलोपित माना जाये। पृष्ठ सं. 87, पर ग्राम जटियाणा, तहसील कोटकासिम के अन्तर्गत खसरा नं. "143" को "142" पढ़ें।
का.आ. 171(अ) दिनांक 16 मार्च, 1999	पृष्ठ सं. 4 पर ग्राम मोतूका, तहसील बानसूर के अन्तर्गत खसरा नं. "1285" के क्षेत्रफल "0.0871" को "0.0330", खसरा नं. "1286" के क्षेत्रफल "0.1188" को "0.1070", खसरा नं. "1287" के क्षेत्रफल "0.0396" को "0.01050", खसरा नं. "1289" के क्षेत्रफल "0.0950" को "0.0170", खसरा नं. "886" के क्षेत्रफल "0.0515" को "0.0525", खसरा नं. "887" के क्षेत्रफल "0.2851" को "0.3606" पढ़ें और खसरा नं. "1290" के क्षेत्रफल "0.0040" को विलोपित माना जाये।		पृष्ठ सं. 86, 87 पर ग्राम हरसौली, तहसील कोटकासिम के अन्तर्गत खसरा नं. "2361" को "2391", खसरा नं. "खाली खेत" को "2286", खसरा नं. "2923" को "3199" पढ़ें। खसरा नं. "2504" के क्षेत्रफल "0.0010", खसरा नं. "2373" के क्षेत्रफल "0.0010" को विलोपित माना जाये। पृष्ठ सं. 89, 90 पर ग्राम गिरवास, तहसील कोटकासिम के अन्तर्गत खसरा नं. "17" को "19", खसरा नं. "रास्ता" को "124/466" पढ़ें। खसरा नं. "121" के क्षेत्रफल

1	2	1	2
	"0.0010", खसरा नं. "138" के क्षेत्रफल "0.0396" को विलोपित माना जाये।	698	0.0317
	पृष्ठ सं. 85 पर ग्राम भोजपुर, तहसील कोटकासिम के अन्तर्गत खसरा नं. "109" के क्षेत्रफल "0.0010" को विलोपित माना जाये।	703	0.1584
		704	0.1980
		709	0.0237
		708	0.1426
		707	0.0040
		710	0.0633
		711	0.0633
का.आ. 2688 दिनांक 10 दिसम्बर, 1998	पृष्ठ सं. 4974 पर ग्राम करवड, तहसील कोटकासिम के अन्तर्गत खसरा नं. "939" के क्षेत्रफल "0.0010" को विलोपित माना जाये।	545	0.1505
		544	0.0633
		530	0.1663
		531	0.0792
का.आ. 170(अ) दिनांक 16 मार्च, 1999	पृष्ठ सं. 2 पर ग्राम खेड़ा, तहसील किशनगढ़ के अन्तर्गत खसरा नं. "154" को "654" पढ़ें।	529	0.0396
		527	0.1663
		526	0.0317
का.आ. 2686 दिनांक 10 दिसम्बर, 1998	पृष्ठ सं. 4959 व 4960 पर ग्राम बघेरीकलां तहसील किशनगढ़ खसरा नं. क्षेत्रफल	525	0.0872
	697 0.0040	524	0.0040
	698 0.0317	520	0.0040
	703 0.1584	521	0.1703
	704 0.1980	522	0.0713
	709 0.0237	500	0.1860
	708 0.1426	1026	0.0237 पढ़ें।
	707 0.0040	का.आ. 2684 दिनांक 10 दिसम्बर, 1998	पृष्ठ सं. 4923 पर ग्राम मुण्डाना तहसील तिजारा के अन्तर्गत खसरा नं. "766" के क्षेत्रफल "0.0010", खसरा नं. "769" के क्षेत्रफल "0.0010", को विलोपित माना जाये।
	710 0.0633		पृष्ठ सं. 4926 पर ग्राम बिछाला तहसील तिजारा के अन्तर्गत खसरा नं. "120" को "121" पढ़ें।
	711 0.0633	का.आ. 1093(अ) दिनांक 22 दिसम्बर, 1998	पृष्ठ सं. 4 पर ग्राम हुसैनपुर तहसील तिजारा के अन्तर्गत खसरा नं. "255" के क्षेत्रफल "0.1149" को "0.0020", खसरा नं. "273" के क्षेत्रफल "0.4435" को "0.4058", खसरा नं. "264" के क्षेत्रफल "0.2020" को "0.2138", खसरा नं. "265" के क्षेत्रफल "0.0040" को "0.0080", खसरा नं. "266" के क्षेत्रफल "0.1426" को "0.1465", पढ़ें और खसरा नं. "253" के क्षेत्रफल "0.0554", खसरा नं. "254" के क्षेत्रफल
	545 0.1505		
	544 0.0633		
	530 0.1663		
	531 0.0793		
	529 0.0396		
	527 0.1663		
	526 0.0317		
	525 0.0872		
	524 0.0040		
	520 0.0040		
	521 0.1742		
	022 0.0317		
	500 0.1663		
	1026 0.0237		
	को ग्राम "कौशलपुर" तहसील किशनगढ़		
	खसरा नं. क्षेत्रफल		
	697 0.0040		

1	2	1	2
	<p>“0.0158” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 4 पर ग्राम खेडी तहसील तिजारा के अन्तर्गत खसरा नं. “12” के क्षेत्रफल “0.0168” को “0.1168”, पढ़ें।</p> <p>पृष्ठ सं. 2 व 3 पर तहसील तिजारा के अन्तर्गत ग्राम “गुवाल्दा, गन्धोला और चौपनकी” के समस्त खसरा नं. को विलोपित माना जाये।</p> <p>पृष्ठ सं. 2, 3, 4 पर ग्राम गुवाल्दा तहसील तिजारा के अन्तर्गत खसरा नं. “836” के क्षेत्रफल “0.1030” को “0.0980”, खसरा नं. “729” के क्षेत्रफल “0.0871” को “0.0940” खसरा नं. “730” के क्षेत्रफल “0.0238” को “0.0080” खसरा नं. “727” के क्षेत्रफल “0.1267” को “0.1380”, खसरा नं. “726” के क्षेत्रफल “0.0158” को “0.0720”, खसरा नं. “675” के क्षेत्रफल “0.0871” को “0.0160” खसरा नं. “721” के क्षेत्रफल “0.0634” को “0.1540”, खसरा नं. “718” के क्षेत्रफल “0.1030” को “0.0020”, खसरा नं. “719” के क्षेत्रफल “0.0871” को “0.0720”, खसरा नं. “710” के क्षेत्रफल “0.1980” को “0.2000”, खसरा नं. “414” के क्षेत्रफल “0.1188” को “0.0880”, खसरा नं. “417” के क्षेत्रफल “0.0851” को “0.0450”, खसरा नं. “506” के क्षेत्रफल “0.0020” को “0.0240” खसरा नं. “418” के क्षेत्रफल “0.1960” को “0.1920”, खसरा नं. “419” के क्षेत्रफल “0.0158” को “0.0260”, खसरा नं. “423” के क्षेत्रफल “0.0238” को “0.0260”, खसरा नं. “420” के क्षेत्रफल “0.1426” को “0.1360”, खसरा नं. “333” के क्षेत्रफल “0.0614” को “0.0680”, खसरा नं. “334” के क्षेत्रफल “0.0020” को “0.0080”, पढ़ें और खसरा नं. “802” के क्षेत्रफल</p>	<p>“0.0020”, खसरा नं. “715” के क्षेत्रफल “0.1346”, खसरा नं. “717” के क्षेत्रफल “0.0475”, खसरा नं. “0.711” के क्षेत्रफल “0.1505”, खसरा नं. “416” के क्षेत्रफल “0.0020” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 4, 5, 6 पर ग्राम गंधोला तहसील तिजारा के अन्तर्गत खसरा नं. “639” के क्षेत्रफल “0.0040”, खसरा नं. “424” के क्षेत्रफल “0.0040” खसरा नं. “264” के क्षेत्रफल “0.0317”, खसरा नं. “263” के क्षेत्रफल “0.0040”, खसरा नं. “262” के क्षेत्रफल “0.0010” को विलोपित माना जाये।</p>	
का.आ. 1218(अ) दिनांक 6 दिसम्बर, 1999			<p>[सं. फा. एल-14014/7/00-जी.पी. (भाग-II)] पी. एम. मीणा, निदेशक</p>
		<p>MINISTRY OF PETROLEUM AND NATURAL GAS</p> <p>New Delhi, the 27th June, 2001</p> <p>S.O. 1707.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of liquified petroleum gas through Kandla/Jamnagar—Loni, Pipeline in Rajasthan State, pipeline may be laid by Gas Authority of India Limited;</p> <p>And whereas, the Government authorised Shri Deepak C. Gupta, Additional Collector on deputation from the State Government of Rajasthan to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 for Kandla/Jamnagar—Loni LPG Pipeline Project vide S.O. No. 241 dated the 20th January, 1998;</p> <p>And whereas, the Central Government vide S.O. 2387 dated the 17th November, 1998; S.O. 2558 dated the 27th November, 1998; S.O. 171(E) dated the 16th March, 1999; S.O. 2687 dated the 10th December, 1998; S.O. 172(E) dated the 16th March, 1999; S.O. 1057(E) dated the 9th December, 1998; S.O. 2688 dated the 10th December, 1998; S.O. 170(E) dated the 16th March, 1999; S.O. 2686 dated the 10th December, 1998; S.O. 2684 dated the 10th December, 1998; S.O. 1093(E) dated the 22nd December, 1998; S.O. 1218(E) dated the 6th December, 1999 published notifications under sub-section (1) of section 3 of the said Act for acquisition of right of user in the land in the manner specified in the respective schedules annexed thereto;</p>	

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land Act, 1962 (50 of 1962)), the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (3) of the said Table.

TABLE

Notification & Date	Amendment
1	2
S.O. 2387 dated the 17th November, 1998	At page No. 4380 against Village Bas Dayal Tehsil Bansur for Survey No. "95" & "95/390" read "95/398 Min", "95/398 Min", and "95/397 Min".
S.O. 2558 dated the 27th November, 1998	At Page No. 4718 against Village Dhundhala Tehsil Bansur for Survey No. "247" Area "0.0158" shall be deleted. At Page No. 4718 against Village Dhundhala Tehsil Bansur for Total Area "2.1621" read "2.1463". At Page No. 4714 against Village Jagedetkalan Tehsil Bansur for Survey No. "30" Area "0.0010", Survey No. "15" Area "0.0025", Survey No. "16" Area "0.0150" shall be deleted. At Page No. 4714 against Village Jagedetkalan Tehsil Bansur for Total Area "2.0829" read "2.0644".
S.O. 2387 dated the 17th November, 1998	At Page No. 4385 & 4386 against Village Chanpura Tehsil Bansur for Survey No. "335" Area "0.0120" for Survey No. "334" Area "0.0040", for Survey No. "327" Area "0.0125", for Survey No. "283" Area "0.0079", Survey No. "284"

1	2	3
		Area "0.0166" shall be deleted.
		At Page No. 4386 against Village Chanpura Tehsil Bansur for Total Area "2.5819" read "2.5289".
		At Page No. 4382 & 4383 against Village Kheda Shyampura Tehsil Bansur for Survey No. "1898" Area "0.0767" read "0.0600", for Survey No. "1899" Area "0.0025" read "0.0200", for Survey No. "1910" Area "0.0010" read "0.0300", for Survey No. "1912" Area "0.3643" read "0.3980", for Survey No. "1909" Area "0.1574" read "0.0900", for Survey No. "1908" Area "0.0158" read "0.0240", for Survey No. "1904" Area "0.1980" read "0.2695", for Survey No. "1906" Area "0.0792" read "0.0260" and Survey No. "1905" Area "0.0010" Survey No. "1733" Area "0.0396" shall be deleted.
	S.O. 2558 dated the 27th November, 1998	At Page No. 4716 against Village Harsora Tehsil Bansur for Survey No. "392" Area "0.0040" read "0.1029", for Survey No. "393" Area "0.1029" read "0.0079", and Survey No. "395" Area "0.0079" shall be deleted.
	S.O. 2387 dated the 17th November, 1998	At Page No. 4382 against Village Bad Bhavsingh Tehsil Bansur for Survey No. "5" Area "0.0792" read "0.0700", for Survey No. "4" Area "0.0554", read "0.0340", for Survey No. "3" Area "0.0396" read "0.0120", for Survey No. "8" Area "0.0257" read "0.1096", and Survey No. "2" Area "0.0257" shall be deleted.

1	2	3	1	2	3
S.O. 171(E) dated the 16th March, 1999	At Page No. 5 against Village Motuka Tehsil Bansur for Survey No. "1285" Area "0.0871", read "0.0330", for Survey No. "1286" Area "0.1188" read "0.1070", for Survey No. "1287" Area "0.0396" read "0.1050", for Survey No. "1289" Area "0.0950" read "0.0170", for Survey No. "886" Area "0.0515" read "0.0525", for Survey No. "887" Area "0.2851" read "0.3606", and Survey No. "1290" Area "0.0040" shall be deleted.			At Page No. 91, 92 against Village Harsoli Tehsil Kotkasim for Survey No. "2361" read "2391", for Survey No. "Khali Khet" read "2286", for Survey No. "2923" read "3199" and Survey No. "2504" Area "0.0010" Survey No. "2373" Area "0.0010" shall be deleted.	
S.O. 2687 dated the 10th December, 1998	At Page No. 4969 against Village Pehal Tehsil Mundawar for Survey No. "697" Area "0.1000" shall be deleted. At Page No. 4972, 4973 against Village Tatarpur Tehsil Mundawar for Survey No. "793" Area "0.0080, Survey No. "1625" Area "0.0158" shall be deleted.			At Page No. 94, 95 against Village Girwas Tehsil Kotkasim for Survey No. "17" read "19", for Survey No. "Rasta" read 124/466", and Survey No. "121" Area "0.0010" Survey No. "138" Area "0.0396" shall be deleted. At Page No. 90 against Village Bhojpur Tehsil Kotkasim for Survey No. "109" Area "0.0010" shall be deleted.	
S.O. 172(E) dated the 16th March, 1999	At Page No. 7 against Village Raipur Tehsil Mundawar for Survey No. "118" Area "0.0080" shall be deleted. At Page No. 8 against Village Rasgan Tehsil Mundawar for Survey No. "183" read "182".		S.O. 2688 dated the 10th December, 1998	At Page No. 4977 against Village Karwar Tehsil Kotkasim for Survey No. "939" Area "0.0010" shall be deleted.	
			S.O. 170(E) dated the 16th March, 1999	At Page No. 3 against Village Kheda Tehsil Kisangarh for Survey No. "154" read "654".	
S.O. 1057(E) dated the 9th December, 1998	At Page No. 93 against Village Jhriyana Tehsil Kotkasim for Survey No. "77" Area "0.0080" shall be deleted. At Page No. 91 against Village Haspurkhurd Tehsil Kotkasim for Survey No. "353" Area "0.0020" shall be deleted. At Page No. 92 against Village Jatiyana Tehsil Kotkasim for Survey No. "143" read "142".		S.O. 2686(E) dated the 10th December, 1998	At Page No. 4962, 4963 against Village Bagherikalan Tehsil Kishangarh	
				Survey No.	Area
				697	0.0040
				698	0.0317
				703	0.1584
				704	0.1980
				709	0.0237
				708	0.1426
				707	0.0040
				710	0.0633
				711	0.0633
				545	0.1505
				544	0.0633

1	2	3	1	2	3
	S.O. 2686 dated the 10th Dec. 1998	530 0.1663 531 0.0793 529 0.396 527 0.1663 526 0.0317 525 0.0872 524 0.0040 520 0.0040 521 0.1742 022 0.0317 500 0.1663 1026 0.0237 read Village "Koshalpur" Tehsil "Kishangarh" Survey No. Area 697 0.0040 698 0.0317 703 0.1584 704 0.1980 709 0.0237 708 0.1426 707 0.0040 710 0.0633 711 0.0633 545 0.1505 544 0.0633 530 0.1663 531 0.0792 529 0.0396 527 0.1663 526 0.0317 525 0.0872 524 0.0040 520 0.0040 521 0.1703 522 0.0713 500 0.1860 1026 0.0237			Tijara for Survey No. "120" read "121". S.O. 1093(E) dated the 22nd December, 1998 At Page No.7, against Village Husepur Tehsil Tijara for Survey No. "255" Area "0.1149" read "0.0020", for Survey No. "273" Area "0.4435" read "0.4058", for Survey No. "264" Area "0.2020" read "0.2138", for Survey No. "265" Area "0.0040" read "0.0080", for Survey No. "266" Area "0.1426" read "0.1465", and Survey No. "253" Area "0.0554" Survey No. "254" Area "0.0158" shall be deleted. At Page No. 7 against Village Khedi Tehsil Tijara for Survey No. "12" Area "0.0168" read "0.1168". At Page No. 5,6,7 against Tehsil Tijara Village "Guwalda, Gandhola & Chopanki" all Survey No. shall be deleted. S.O. 1218(E) dated the 6th December, 1999 At Page No.8, 9,10 against Village Guwalda Tehsil Tijara for Survey No. "836" Area "0.1030" read "0.0980", for Survey No. "729" Area "0.0871" read "0.0940", for Survey No. "730" Area "0.0238" read "0.0080", for Survey No. "727" Area "0.1267" read "0.1380" for Survey No. "726" Area "0.0158" read "0.0720", for Survey No. "675" Area "0.0871" read "0.0160" for Survey No. "721" Area "0.0634" read "0.1540", for Survey No. "718" Area "0.1030" read "0.0020", for Survey No. "719" Area "0.0871" read "0.720", for Survey No. "710" Area "0.1980" read "0.2000", for Survey No. "414" Area
	S.O. 2684 dated the 10th December, 1998	At Page No.4933, 4934 against Village Mundana Tehsil Tajara for Survey No. "766" Area "0.0010" Survey No. "769" Area "0.0010" shall be deleted. At Page No. 4936 against Village Bichala Tehsil			

1	2
	<p>"0.1188" read "0.0880", for Survey No. "417" Area "0.0851" read "0.450", for Survey No. "506" Area "0.0020" read "0.0240", for Survey No. "418" Area "0 1960" read "0.1920", for Survey No. "419" Area "0.0158" read "0.0260", for Survey No. "423" Area "0.0238" read "0.0260", for Survey No. "420" Area "0.1426" read "0.1360", for Survey No. "333" Area "0.0614" read "0.0680", for Survey No. "334" Area "0.0020" read "0.0080", and Survey No. "802" Area "0.0020" Survey No. "715" Area "0.1346" Survey No. "717" Area "0.0475" Survey No. "711" Area "0.1505" Survey No. "416" Area "0.0020" shall be deleted.</p> <p>At Page No. 10,11, 9, against Village Gandhola Tehsil Tijara Survey No. "639" Area "0.0040" Survey No. "424" Area "0.0040" Survey No. "264" Area "0.0317" Survey No. "263" Area "0.0040" Survey No. "262" Area "0.0010" shall be deleted.</p>

[File No. L-14014/7/00-G.P. (Part-II)]

P. M. MEENA, Director

नई दिल्ली, 27 जून, 2001

का०आ० 1708.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है, कि राजस्थान राज्य में कांडला/जामनगर-लोनी पाइपलाइन के माध्यम से द्रवित पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और केन्द्रीय सरकार ने, कांडला-जामनगर-लोनी द्रवित पेट्रोलियम गैस पाइपलाइन के लिये का०आ० 241 तारीख 20 जनवरी, 1998 द्वारा राजस्थान राज्य सरकार से गैस अथॉरिटी ऑफ इंडिया लिमिटेड में प्रतिनियुक्ति पर श्री दीपक सी० गुप्ता, अपर कलेक्टर को पेट्रोलियम

और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिये प्राधिकृत किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन का० आ० 1096(अ) तारीख 22 दिसम्बर, 1998, का० आ० 57(अ) तारीख 2 फरवरी, 1999, का० आ० 597(अ) तारीख 24 जुलाई, 1999, का० आ० 59(अ) तारीख 2 फरवरी, 1999, का० आ० 716(अ) तारीख 2 सितम्बर, 1999, का० आ० 2559 तारीख 27 नवम्बर, 1998, का० आ० 1056(अ) तारीख 9 दिसम्बर, 1998 द्वारा उनसे संलग्न संबंधित अनुसूचियों में विनिर्दिष्ट रीति से भूमि में उपयोग के अधिकार के अर्जन के लिए अधिसूचनाएँ प्रकाशित की थीं;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (2) के खंड (क) और इसकी उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निर्देश करती है कि नीचे वर्णित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचना, उक्त सारणी के स्तंभ (3) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट रीति में संशोधित की जा सकेगी।

सारणी

क्र. सं.	कार्यालय आदेश व दिनांक	संशोधन
1	2	3
1	का.आ.1096(अ) दिनांक 22 दिसम्बर, 1998	पृष्ठ सं. 31 पर ग्राम गुढाबीजा तहसील सोजत के अन्तर्गत खसरा नं. "177" को "187", खसरा नं. "178" को "188", खसरा नं. "120" को "121", खसरा नं. "593" को "595", खसरा नं. "139" के क्षेत्रफल "0 1200" को "0.1520", खसरा नं. "616" के क्षेत्रफल "1.8000" को "1.8200", खसरा नं. "550" के क्षेत्रफल "0.1040" को "0.0840", खसरा नं. "607" के क्षेत्रफल "0.4540" को "0.4380", पट्टे, खसरा नं. "549" के क्षेत्रफल "0.0320", खसरा नं. "612" के क्षेत्रफल "0.0240", को विलोपित माना जाये।

1	2	1	2
	<p>पृष्ठ सं. 31 पर ग्राम गुढाबीजा तहसील सोजत के अन्तर्गत कुल क्षेत्रफल "5.4560" को "5.5060" पढ़ें।</p> <p>पृष्ठ सं. 32 पर ग्राम रायराकलां व खुर्द तहसील सोजत के अन्तर्गत खसरा नं. "156" को "157" पढ़ें।</p>	<p>का.आ. 57(अ) दिनांक 2 फरवरी, 1999</p>	<p>पृष्ठ सं. 12 पर ग्राम बोरनदी तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. "146" के क्षेत्रफल "0.1949" को "0.0640", पढ़ें और खसरा नं. "140" के क्षेत्रफल "0.2201" को विलोपित माना जाये</p> <p>पृष्ठ सं. 12 पर ग्राम बोरनदी तहसील मारवाड़ जंक्शन के अन्तर्गत कुल क्षेत्रफल "3.4107" को "3.0597" पढ़ें।</p> <p>पृष्ठ सं. 8 व 9 पर ग्राम देवली तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. "1100" के क्षेत्रफल "0.2910" को "0.1647", खसरा नं. "1291" के क्षेत्रफल "0.1390" को "0.0700", खसरा नं. "1294" के क्षेत्रफल "0.1900" को "0.1000", खसरा नं. "1295" के क्षेत्रफल "0.1010" को "0.0100", खसरा नं. "1258" के क्षेत्रफल "0.0120" को "0.0887", खसरा नं. "1265" के क्षेत्रफल "0.1010" को "0.2027", खसरा नं. "1205" के क्षेत्रफल "0.2280" को "0.2389", खसरा नं. "1250" के क्षेत्रफल "0.0890" को "0.1600", खसरा नं. "1043" के क्षेत्रफल "0.0630" को "0.2620", पढ़ें और खसरा नं. "1099" के क्षेत्रफल "0.0630", खसरा नं. "1287" के क्षेत्रफल "0.0020", खसरा नं. "1286" के क्षेत्रफल "0.0130" को विलोपित माना जाये।</p> <p>पृष्ठ सं. 9 पर ग्राम देवली तहसील मारवाड़ जंक्शन के अन्तर्गत कुल क्षेत्रफल "12.6110" को "12.6170" पढ़ें।</p> <p>पृष्ठ सं. 12 पर ग्राम गुडागिरी तहसील मारवाड़ जंक्शन के अन्तर्गत खसरा नं. "63" को "62" पढ़ें।</p> <p>पृष्ठ सं. 9 पर ग्राम गदना तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं.</p>
का.आ. 57(अ) दिनांक 2 फरवरी, 1999	<p>पृष्ठ सं. 11 पर ग्राम राजोलाखुर्द तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. "345" के क्षेत्रफल "0.2455" को "0.3400", खसरा नं. "206" के क्षेत्रफल "0.3643" को "0.4593", खसरा नं. "346" के क्षेत्रफल "0.2217" को "0.1600", खसरा नं. "245" के क्षेत्रफल "0.2416" को "0.1696", पढ़ें और खसरा नं. "208" के क्षेत्रफल "0.1584", को विलोपित माना जाये।</p> <p>पृष्ठ सं. 12 पर ग्राम हमीरवास तहसील मारवाड़ जंक्शन के अन्तर्गत खसरा नं. "219" के क्षेत्रफल "0.0477" को "0.0417", पढ़ें।</p> <p>पृष्ठ सं. 11 पर ग्राम माण्डा तहसील मारवाड़ जंक्शन के अन्तर्गत खसरा नं. "1027" को "1053", पढ़ें।</p> <p>पृष्ठ सं. 10 पर ग्राम राणावास तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. "394/885" को "394/882", खसरा नं. "317/885" को "308/885", पढ़ें।</p>		
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	<p>पृष्ठ सं. 9 पर ग्राम जटियों की ढाणी तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. "1256" के क्षेत्रफल "0.1258" को "0.1042", खसरा नं. "1258" के क्षेत्रफल "0.0754" को "0.0554", खसरा नं. "1215" के क्षेत्रफल "0.0314" को "0.0344", पढ़ें और खसरा नं. "1223" के क्षेत्रफल "0.0030", को विलोपित माना जाये।</p>		

1	2	3	1	2
		<p>“287” के क्षेत्रफल “0.3928” को “0.3888”, खसरा नं. “231” के क्षेत्रफल “0.2583” को “0.2387”, खसरा नं. “196” के क्षेत्रफल “0.2890” को “0.2684”, खसरा नं. “282” के क्षेत्रफल “0.2260” को “0.2300”, खसरा नं. “40” के क्षेत्रफल “0.0120” को “0.0240” पढ़ें और खसरा नं. “281” के क्षेत्रफल “0.0040”, खसरा नं. “291” के क्षेत्रफल “0.0140”, खसरा नं. “61” के क्षेत्रफल “0.0120” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 10 पर ग्राम बडी तहसील मारवाड़ जंक्शन के अंतर्गत खसरा नं. “275” के क्षेत्रफल “0.1749” को “0.1040”, खसरा नं. “264” के क्षेत्रफल “0.1908” को “0.0800”, खसरा नं. “72” के क्षेत्रफल “0.4134” को “0.2261”, खसरा नं. “63” के क्षेत्रफल “0.1590” को “0.1580”, खसरा नं. “278” के क्षेत्रफल “0.1908” को “0.2226”, खसरा नं. “279” के क्षेत्रफल “0.0010” को “0.0560”, खसरा नं. “269” के क्षेत्रफल “0.0318” को “0.0640”, खसरा नं. “265” के क्षेत्रफल “0.0318” को “0.1200”, खसरा नं. “261” के क्षेत्रफल “0.1590” को “0.2160”, खसरा नं. “75” के क्षेत्रफल “0.0954” को “0.2080”, खसरा नं. “74” के क्षेत्रफल “0.3498” को “0.3508”, खसरा नं. “60” के क्षेत्रफल “0.5524” को “0.5683”, खसरा नं. “53” के क्षेत्रफल “0.6360” को “0.6887”, पढ़ें और खसरा नं. “277” के क्षेत्रफल “0.0318”, खसरा नं. “262” के क्षेत्रफल “0.0080”, खसरा नं. “59” के</p>	<p>का.आ. 59(अ) दिनांक 2 फरवरी, 1999</p> <p>का.आ. 597(अ) दिनांक 2 जुलाई, 1999</p> <p>का.आ. 597(अ) दिनांक 24 जुलाई, 1999</p> <p>का.आ. 59(अ) दिनांक 2 फरवरी, 1999</p>	<p>क्षेत्रफल “0.0159” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 37 पर ग्राम सुमेल तहसील रायपुर के अंतर्गत खसरा नं. “1007” को “1000”, खसरा नं. “403” को “965” पढ़ें और खसरा नं. “1047” के क्षेत्रफल “0.3648” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 19 पर ग्राम सुमेल तहसील रायपुर के अंतर्गत कुल क्षेत्रफल “11.4555” को “11.7189” पढ़ें। पृष्ठ सं. 19 पर ग्राम नारगढ़ तहसील रायपुर के अंतर्गत कुल क्षेत्रफल “0.6556” को “0.3922” पढ़ें।</p> <p>पृष्ठ सं. 19 पर ग्राम नारगढ़ तहसील रायपुर के अंतर्गत खसरा नं. “1046” के क्षेत्रफल “0.6282” को विलोपित माना जाये।</p> <p>पृष्ठ सं. 19 पर ग्राम मोहरा तहसील रायपुर के अंतर्गत खसरा नं. “41” को “40” पढ़ें।</p> <p>पृष्ठ सं. 32 पर ग्राम रामावास खुर्द तहसील रायपुर के अंतर्गत खसरा नं. “468” को “1169”, खसरा नं. “473” को “473” और “474” पढ़ें।</p> <p>पृष्ठ सं. 31 पर ग्राम बिराटिया खुर्द तहसील रायपुर के अंतर्गत खसरा नं. “85” को “88”, खसरा नं. “55” को “56”, खसरा नं. “187” के क्षेत्रफल “0.0380” को खसरा नं. “205” क्षेत्रफल “0.0380” खसरा नं. “187” के क्षेत्रफल “0.0506” को खसरा नं. “263” क्षेत्रफल “0.0506” पढ़ें।</p>

1	2	1	2
	पृष्ठ सं. 34, 35 पर ग्राम बाबरा तहसील रायपुर के अन्तर्गत खसरा नं. "1763" के क्षेत्रफल "0.0380" को "0.0243", खसरा नं. "2225" के क्षेत्रफल "0.0253" को "0.0081", खसरा नं. "2273" के क्षेत्रफल "0.0253" को "0.0162", पढ़ें।	का.आ. 59(अ) दिनांक 2 फरवरी, 1999	पृष्ठ सं. 33 पर ग्राम मेगदडा तहसील रायपुर के अन्तर्गत खसरा नं. "79" के क्षेत्रफल "0.6739" को "0.5956", खसरा नं. "71/180" के क्षेत्रफल "0.1520" को "0.1754", खसरा नं. "73" के क्षेत्रफल "0.0100" को "0.1647", खसरा नं. "74" के क्षेत्रफल "0.1820" को "0.0127", खसरा नं. "48" के क्षेत्रफल "0.1394" को "0.2028", खसरा नं. "42" के क्षेत्रफल "0.0395" को "0.1647", खसरा नं. "43" के क्षेत्रफल "0.3344" को "0.1394", खसरा नं. "14" के क्षेत्रफल "0.1267" को "0.1647", खसरा नं. "13" के क्षेत्रफल "0.0380" को "0.0253", खसरा नं. "11" के क्षेत्रफल "0.2154" को "0.1014", खसरा नं. "7" के क्षेत्रफल "0.2204" को "0.1394", पढ़ें।
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं. 23 पर ग्राम बाबरा तहसील रायपुर के अन्तर्गत खसरा नं. "1716" के क्षेत्रफल "0.1800" को विलोपित माना जाये। पृष्ठ सं. 24 पर ग्राम बाबरा तहसील रायपुर के अन्तर्गत कुल क्षेत्रफल "5.5495" को "5.3295" पढ़ें।		
का.आ. 59(अ) दिनांक 2 फरवरी, 1999	पृष्ठ सं. 31 पर ग्राम बिराटिया कलां तहसील रायपुर के अन्तर्गत खसरा नं. "840" के क्षेत्रफल "0.3955" को "0.4105" पढ़ें। और खसरा नं. "835" के क्षेत्रफल "0.0150" को विलोपित माना जाये।		
का.आ. 59(अ) दिनांक 2 फरवरी, 1999 और का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं. 34 पर ग्राम बर तहसील रायपुर के अन्तर्गत खसरा नं. "745" के क्षेत्रफल "0.0633" को "0.1400", खसरा नं. "739" के क्षेत्रफल "0.0150" को "0.2320", खसरा नं. "734" के क्षेत्रफल "0.2561" को "0.3460", खसरा नं. "733" के क्षेत्रफल "0.0380" को "0.0640", खसरा नं. "731" के क्षेत्रफल "0.0100" को "0.0500", खसरा नं. "679" के क्षेत्रफल "0.2661" को "0.2816", खसरा नं. "680" के क्षेत्रफल "0.0633" को "0.0256", खसरा नं. "678" के क्षेत्रफल "0.1900" को "0.1920", खसरा नं. "684" के क्षेत्रफल "0.1140" को "0.1180", खसरा नं. "686" के क्षेत्रफल "0.1394", को "0.1540" पढ़ें तथा खसरा नं. "738/1" के क्षेत्रफल "0.2091" को विलोपित माना जाये।	का.आ. 716(अ) दिनांक 2 सितम्बर, 1999 एवं का.आ. 59(अ) दिनांक 2 फरवरी, 1999	पृष्ठ सं. 33 एवं 13 पर ग्राम मेगदडा तहसील रायपुर के अन्तर्गत खसरा नं. "80" के क्षेत्रफल "0.0050", खसरा नं. "81" के क्षेत्रफल "0.0020", खसरा नं. "47" को "0.1014", को विलोपित माना जाये।
		का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं. 21 पर ग्राम मेगदडा तहसील रायपुर के अन्तर्गत कुल क्षेत्रफल "2.2634" को "2.2302" पढ़ें। पृष्ठ सं. 19 पर ग्राम खीखल तहसील रायपुर के अन्तर्गत खसरा नं. "2707/1" को "2717" पढ़ें। पृष्ठ सं. 23 पर ग्राम गिरी तहसील रायपुर के अन्तर्गत कुल क्षेत्रफल "12.2160" को "12.2287" पढ़ें।

1	2	1	2
का.आ. 59(अ) दिनांक 2 फरवरी, 1999	पृष्ठ सं. 36 पर ग्राम गिरी तहसील रायपुर के अन्तर्गत खसरा नं. "865" के क्षेत्रफल "0.0253" को ग्राम "खेडा मोमावास" तहसील "रायपुर" में पढ़ें। पृष्ठ सं. 33 पर ग्राम रायपुर तहसील रायपुर के अन्तर्गत खसरा नं. "2287" को "2277" पढ़ें।	खसरा नं.	क्षेत्रफल "0.0120", खसरा नं. "314" के क्षेत्रफल "0.0010", को विलोपित माना जाये। पृष्ठ सं. 4733, 4734 पर ग्राम पुनाडिया तहसील बाली के अन्तर्गत खसरा नं. "355" को "325", "304/699" के क्षेत्रफल "0.0020" को "0.1280", खसरा नं. "304" के क्षेत्रफल "0.1500" को "0.0240", खसरा नं. "187" के क्षेत्रफल "0.1210" को "0.1280", खसरा नं. "562" के क्षेत्रफल "0.0020" को "0.0240", पढ़ें।
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं. 24 पर ग्राम रामगढ़ तहसील रायपुर के अन्तर्गत खसरा नं. "690" को "698", खसरा नं. "666" को "665", खसरा नं. "797" को "799", खसरा नं. "787" को "785", पढ़ें।		
का. आ. 2559 दिनांक 27 नवम्बर, 1998	पृष्ठ सं. 4725 पर ग्राम पादरला तहसील बाली के अन्तर्गत खसरा नं. "4" के क्षेत्रफल "0.7000" को "0.7040" पढ़ें। और खसरा नं. "558" के क्षेत्रफल "0.0040" को विलोपित माना जाये। पृष्ठ सं. 4726 पर ग्राम सेवाडी तहसील बाली के अन्तर्गत खसरा नं. "218" के क्षेत्रफल "0.1380" को "0.1360", खसरा नं. "216" के क्षेत्रफल "0.1340" को "0.0640", खसरा नं. "324" के क्षेत्रफल "0.2420" को "0.2190", खसरा नं. "320" के क्षेत्रफल "0.1370" को "0.0130", खसरा नं. "176" के क्षेत्रफल "0.1700" को "0.1520", खसरा नं. "171" के क्षेत्रफल "0.1450" को "0.0750", खसरा नं. "226" के क्षेत्रफल "0.0040" को "0.0740", खसरा नं. "310" के क्षेत्रफल "0.0080" को "0.0200", खसरा नं. "321" के क्षेत्रफल "0.1160" को "0.2400", खसरा नं. "169" के क्षेत्रफल "0.0320" को "0.0870", खसरा नं. "170" के क्षेत्रफल "0.0050" को "0.0200", खसरा नं. "598" को "498", पढ़ें। खसरा नं. "312" के	का.आ. 2559 दिनांक 27 नवम्बर, 1998	पृष्ठ सं. 4734 पर ग्राम पुनाडिया तहसील बाली के अन्तर्गत कुल क्षेत्रफल "4.3690" को "4.3980" पढ़ें। पृष्ठ सं. 4728, 4729 पर ग्राम सेसली तहसील बाली के अन्तर्गत खसरा नं. "507" के क्षेत्रफल "0.1120" को "0.0500", खसरा नं. "509" के क्षेत्रफल "0.0320" को "0.0450", खसरा नं. "943" के क्षेत्रफल "0.1600" को "0.2160", खसरा नं. "860" के क्षेत्रफल "0.2260" को "0.3590", पढ़ें। खसरा नं. "854" के क्षेत्रफल "0.1400", खसरा नं. "855" के क्षेत्रफल "0.0140", खसरा नं. "856" के क्षेत्रफल "1940" को विलोपित माना जाये। पृष्ठ सं. 4736 पर ग्राम भन्दर तहसील बाली के अन्तर्गत खसरा नं. "1115" के क्षेत्रफल "0.1220" को "0.1530", खसरा नं. "1122" के क्षेत्रफल "0.1400" को "0.0975", खसरा नं. "1135" के क्षेत्रफल "0.0050" को "0.0475", खसरा नं. "1133" को "1132", पढ़ें।

1	2	1	2
	खसरा नं. "1116" के क्षेत्रफल "0.0310", को विलोपित माना जाये।		"528" के क्षेत्रफल "0.0010", खसरा नं. "529" के क्षेत्रफल "0.0040", खसरा नं. "573" के क्षेत्रफल "0.0020", खसरा नं. "675" के क्षेत्रफल "0.0010", खसरा नं. "685" के क्षेत्रफल "0.0020", खसरा नं. "248" के क्षेत्रफल "0.0020", खसरा नं. "262" के क्षेत्रफल "0.0010" सर्वे नं. "268" के क्षेत्रफल "0.0010" को विलोपित माना जाये।
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं. 9 पर ग्राम बीरमपुरा तहसील बाली के अन्तर्गत खसरा नं. "1971" को "1970", खसरा नं. "1947" के क्षेत्रफल "0.0900" को "0.0840", खसरा नं. "1847" के क्षेत्रफल "0.2040", को "0.1640", खसरा नं. "1844" के क्षेत्रफल "0.0600" को "0.0025", खसरा नं. "1967" के क्षेत्रफल "0.0780" को "0.1355" पढ़ें। पृष्ठ सं. 9 पर ग्राम बीरमपुरा तहसील बाली के अन्तर्गत कुल क्षेत्रफल "4.8340" को "4.8280" पढ़ें।		पृष्ठ सं. 4738 पर ग्राम भादूण्ड तहसील बाली के अन्तर्गत कुल क्षेत्रफल "8.8765" को "8.8875" पढ़ें।
का.आ. 2559 दिनांक 27 नवम्बर, 1998	पृष्ठ सं. 4737, 4738 पर ग्राम भादूण्ड तहसील बाली के अन्तर्गत खसरा नं. "349" को "649", खसरा नं. "842" को "719", खसरा नं. "242" को "243", खसरा नं. "524" के क्षेत्रफल "0.1610" को "0.1620", खसरा नं. "526" के क्षेत्रफल "0.1500" को "0.1510", खसरा नं. "519" के क्षेत्रफल "0.1860" को "0.1900" खसरा नं. "556" के क्षेत्रफल "0.0020" को "0.0040", खसरा नं. "754" के क्षेत्रफल "0.0320" को "0.0330" खसरा नं. "674" के क्षेत्रफल "0.1450" को "0.1470", खसरा नं. "245" के क्षेत्रफल "0.1450" को "0.1470", खसरा नं. "261" के क्षेत्रफल "0.1850" को "0.1860", खसरा नं. "266" के क्षेत्रफल "0.1900" को "0.1910", खसरा नं. "707" के क्षेत्रफल "0.2450" को "0.2000", खसरा नं. "708" के क्षेत्रफल "0.1040" को "0.1600" पढ़ें और खसरा नं. "525" के क्षेत्रफल "0.0010", खसरा नं.	का. आ. 2559 दिनांक 27 नवम्बर, 1998	पृष्ठ सं. 4720 से 4721 पर ग्राम मादलवा तहसील बाली के अन्तर्गत खसरा नं. "280", को "275/291", खसरा नं. "253" को "252", खसरा नं. "239" के क्षेत्रफल "0.1920" को "0.1900", पढ़ें। पृष्ठ सं. 4723 से 4724 पर ग्राम कुमठिया तहसील बाली के अन्तर्गत खसरा नं. "390" को "247", खसरा नं. "251" के क्षेत्रफल "0.0400" को "0.0280", पढ़ें। पृष्ठ सं. 4724 पर ग्राम बीजापुर तहसील बाली के अन्तर्गत खसरा नं. "321" को "621", खसरा नं. "322" को "622", पढ़ें। पृष्ठ सं. 4732 पर ग्राम भीटवाडा तहसील बाली के अन्तर्गत खसरा नं. "772" के क्षेत्रफल "0.0340" को "0.0330", पढ़ें। पृष्ठ सं. 4731 पर ग्राम टीपरी तहसील बाली के अन्तर्गत खसरा नं. "490" को "488", पढ़ें। पृष्ठ सं. 4729 पर ग्राम कोटबालिया तहसील बाली के अन्तर्गत खसरा नं. "1078" को "1079", खसरा नं. "1095" को "1096", खसरा नं. "1093" को "1095", खसरा नं. "1099" को "1097", पढ़ें।

1	2	1	2
<p>पृष्ठ सं. 4730, 4731 पर ग्राम नाना तहसील बाली के अन्तर्गत खसरा नं. "257" के क्षेत्रफल "0.2160" को "0.1680", खसरा नं. "230" के क्षेत्रफल "0.0880" को "0.0410", खसरा नं. "133" के क्षेत्रफल "0.0500" को "0.0200", खसरा नं. "120" के क्षेत्रफल "0.3648" को "0.0250", खसरा नं. "127" के क्षेत्रफल "0.3640" को "0.2560", खसरा नं. "129" के क्षेत्रफल "0.4160" को "0.2560", खसरा नं. "549" के क्षेत्रफल "0.1100" को "0.0480", खसरा नं. "649" के क्षेत्रफल "0.0320" को "0.0020", खसरा नं. "662" के क्षेत्रफल "0.0710" को "0.0240", खसरा नं. "681" के क्षेत्रफल "0.4300" को "0.3560", खसरा नं. "264" के क्षेत्रफल "0.1538" को "0.2800", खसरा नं. "253" के क्षेत्रफल "0.0560" को "0.2480", खसरा नं. "248" के क्षेत्रफल "0.0578" को "0.4120", खसरा नं. "211" के क्षेत्रफल "0.2880" को "0.3360", खसरा नं. "216" के क्षेत्रफल "0.1320" को "0.3680", खसरा नं. "199" के क्षेत्रफल "0.0100" को "0.1880" खसरा नं. "189" के क्षेत्रफल "0.0050" को "0.1600", खसरा नं. "184" के क्षेत्रफल "0.2040" को "0.1560", खसरा नं. "119" के क्षेत्रफल "0.0450" को "0.2800", खसरा नं. "121" के क्षेत्रफल "0.0220" को "0.2800", खसरा नं. "126" के क्षेत्रफल "0.0506" को "0.0800" खसरा नं. "49" के क्षेत्रफल "0.0460" को "0.2400", खसरा नं. "52" के क्षेत्रफल "0.0430" को "0.1640" खसरा नं. "640/4147" के क्षेत्रफल "0.0040" को "0.2240", खसरा</p>		<p>नं. "647" के क्षेत्रफल "0.0720" को "0.1500", खसरा नं. "660" के क्षेत्रफल "0.0800" को "0.0960", खसरा नं. "682" के क्षेत्रफल "0.0200" को "0.1360" पढ़ें और खसरा नं. "648" के क्षेत्रफल "0.0480", खसरा नं. "640" के क्षेत्रफल "0.1660", खसरा नं. "550" के क्षेत्रफल "0.0200", खसरा नं. "130" के क्षेत्रफल "0.1100", खसरा नं. "251" के क्षेत्रफल "0.1200", खसरा नं. "252" के क्षेत्रफल "0.5040", खसरा नं. "258" के क्षेत्रफल "0.2320", खसरा नं. "233/4124" के क्षेत्रफल "0.0040", खसरा नं. "212" के क्षेत्रफल "0.2000", खसरा नं. "213" के क्षेत्रफल "0.0400", खसरा नं. "213/4109" के क्षेत्रफल "0.1100", खसरा नं. "214" के क्षेत्रफल "0.1000", खसरा नं. "215" के क्षेत्रफल "0.0230", खसरा नं. "215/4107" के क्षेत्रफल "0.1760", खसरा नं. "202" के क्षेत्रफल "0.1800", खसरा नं. "188" के क्षेत्रफल "0.3200", खसरा नं. "188/4116" के क्षेत्रफल "0.1060", खसरा नं. "185" के क्षेत्रफल "0.4360", खसरा नं. "183" के क्षेत्रफल "0.1100", खसरा नं. "181" के क्षेत्रफल "0.0300", खसरा नं. "132/4016" के क्षेत्रफल "0.0350", को विलोपित माना जाये।</p> <p>पृष्ठ सं. 4734 पर ग्राम नाना तहसील बाली के अन्तर्गत कुल क्षेत्रफल "16.3232" को "16.4302" पढ़ें।</p> <p>पृष्ठ सं. 4722 पर ग्राम बेड़ा तहसील बाली के अन्तर्गत खसरा नं. "1926" के क्षेत्रफल "0.1680" को "0.0760", खसरा नं. "1994" को "1894", पढ़ें।</p>	

1	2	1	2
का. आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>पृष्ठ सं. 63, 64 पर ग्राम बड़ोद तहसील देसूरी के अन्तर्गत खसरा नं. "88" के क्षेत्रफल "0.1200" को "0.1650", खसरा नं. "85" के क्षेत्रफल "0.1200" को "0.3720", खसरा नं. "62" के क्षेत्रफल "0.1280" को "0.1560", खसरा नं. "26" के क्षेत्रफल "0.2800" को "0.2880", खसरा नं. "72" के क्षेत्रफल "0.1680", को "0.1370", खसरा नं. "87" के क्षेत्रफल "0.3200" को "0.1490" खसरा नं. "76" के क्षेत्रफल "0.5040" को "0.4520", खसरा नं. "28" के क्षेत्रफल "0.5200" को "0.4720", खसरा नं. "293" को "248", पट्टे और खसरा नं. "83" के क्षेत्रफल "0.0010", खसरा नं. "24" के क्षेत्रफल "0.0300", को विलोपित माना जाये।</p> <p>पृष्ठ सं. 64, 65 पर ग्राम उन्दरथल तहसील देसूरी के अन्तर्गत खसरा नं. "355" के क्षेत्रफल "0.2000", को "0.0160", खसरा नं. "350" के क्षेत्रफल "0.0560" को "0.0110", खसरा नं. "341" के क्षेत्रफल "0.0720" को "0.0440", खसरा नं. "339" के क्षेत्रफल "0.0900" को "0.0820", खसरा नं. "116" के क्षेत्रफल "0.0360" को "0.0150", खसरा नं. "115" के क्षेत्रफल "0.1200" को "0.0800", खसरा नं. "356" के क्षेत्रफल "0.0800" को "1.1720", खसरा नं. "349" के क्षेत्रफल "0.0080" को "0.1380", खसरा नं. "348" के क्षेत्रफल "0.1040" को "0.1350", खसरा नं. "338" के क्षेत्रफल "0.0840" को "0.1080", खसरा नं. "115/394" के क्षेत्रफल "0.0800" को "0.1100", पट्टे और खसरा नं. "306" के क्षेत्रफल "0.3080", खसरा नं. "307" के क्षेत्रफल "0.1250", खसरा नं. "308" के क्षेत्रफल "0.0300",</p>	का. आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>खसरा नं. "311" के क्षेत्रफल "0.0200", खसरा नं. "354" के क्षेत्रफल "0.1300", खसरा नं. "353" के क्षेत्रफल "0.2500", खसरा नं. "347" के क्षेत्रफल "0.1500", खसरा नं. "345" के क्षेत्रफल "0.1760", खसरा नं. "344" के क्षेत्रफल "0.0580", खसरा नं. "334" के क्षेत्रफल "0.1360", खसरा नं. "139" के क्षेत्रफल "0.1020", खसरा नं. "140" के क्षेत्रफल "0.0940", खसरा नं. "96" के क्षेत्रफल "0.0010", को विलोपित माना जाये।</p> <p>पृष्ठ सं. 65 पर ग्राम उन्दरथल, तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "4.2160" को "4.1840" पट्टे।</p> <p>पृष्ठ सं. 65 पर ग्राम ढालोप तहसील देसूरी के अन्तर्गत खसरा नं. "429" के क्षेत्रफल "0.1412" को "0.2100", खसरा नं. "423" के क्षेत्रफल "0.012" को "0.1360" पट्टे।</p> <p>पृष्ठ सं. 65 पर ग्राम ढालोप तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "4.4224" को "4.6660" पट्टे।</p> <p>पृष्ठ सं. 65 पर ग्राम पदमपुरा तहसील देसूरी के अन्तर्गत खसरा नं. "105" के क्षेत्रफल "0.3368" को "0.1620" पट्टे।</p> <p>पृष्ठ सं. 65 पर ग्राम पदमपुरा तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "2.5037" को "2.3289" पट्टे।</p> <p>पृष्ठ सं. 67 पर ग्राम कोटडी तहसील देसूरी के अन्तर्गत खसरा नं. "141" के क्षेत्रफल "0.0430", खसरा नं. "410" के क्षेत्रफल "0.0010" को विलोपित माना जाये।</p> <p>पृष्ठ सं. 67 पर ग्राम कोटडी तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "4.9754" को "4.9314" पट्टे।</p>

1	2
का. आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>पृष्ठ सं. 69 पर ग्राम जीवन खुर्द तहसील देसूरी के अन्तर्गत खसरा नं. "92" के क्षेत्रफल "0.5920" को "0.460" के क्षेत्रफल "0.1220" को खसरा नं. "217" के क्षेत्रफल "0.0100" पढ़ें और खसरा नं. "101" के क्षेत्रफल "0.0200", को विलोपित माना जाये।</p> <p>पृष्ठ सं. 67, 68 पर ग्राम नाडोल तहसील देसूरी के अन्तर्गत खसरा नं. "4598" को "4498", खसरा नं. "3465" को "3464", खसरा नं. "4583" के क्षेत्रफल "0.0188" को "0.0480", खसरा नं. "4661" के क्षेत्रफल "0.0060" को "0.0100", खसरा नं. "4663" के क्षेत्रफल "0.1346" को "0.1600", खसरा नं. "4690" के क्षेत्रफल "0.0320" को "0.1500", खसरा नं. "3799" के क्षेत्रफल "0.1550" को "0.2360", खसरा नं. "3796" के क्षेत्रफल "0.1600" को "0.2000", खसरा नं. "3792" के क्षेत्रफल "0.2613" को "0.3400", खसरा नं. "3787" के क्षेत्रफल "0.1188" को "0.1880", खसरा नं. "3582" के क्षेत्रफल "0.0720" को "0.1840", खसरा नं. "3580" के क्षेत्रफल "0.0080" को "0.0600", खसरा नं. "3579" के क्षेत्रफल "0.0480" को "0.2120", खसरा नं. "4519" के क्षेत्रफल "0.1980" को "0.1580", खसरा नं. "4584" के क्षेत्रफल "0.1000" को "0.0708", खसरा नं. "4685" के क्षेत्रफल "0.4000" को "0.3880", खसरा नं. "4691" के क्षेत्रफल "0.2930" को "0.2720", खसरा नं. "4693" के क्षेत्रफल "0.0400" को "0.0100", खसरा नं. "3795" के क्षेत्रफल "0.1600" को "0.0250", खसरा नं. "3783" के क्षेत्रफल "0.2059" को "0.1600", खसरा नं. "3786" के क्षेत्रफल</p>

1	2
का. आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>"0.0240" को "0.0040", खसरा नं. "3604" के क्षेत्रफल "0.2772" को "0.2400", खसरा नं. "3499" के क्षेत्रफल "0.0320" को "0.0240" पढ़ें और खसरा नं. "4662" के क्षेत्रफल "0.0040", खसरा नं. "4692" के क्षेत्रफल "0.0400", खसरा नं. "3798" के क्षेत्रफल "0.0420" खसरा नं. "3782" के क्षेत्रफल "0.0040" खसरा नं. "3581" के क्षेत्रफल "0.1663", को विलोपित माना जाये।</p>
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	<p>पृष्ठ सं. 5 पर ग्राम नाडोल, तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "10.2287" को "10.4356" पढ़ें।</p>
का.आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>पृष्ठ सं. 69 पर ग्राम बोरडी, तहसील देसूरी के अन्तर्गत खसरा नं. "612" के क्षेत्रफल "0.0560" को "0.1720", खसरा नं. "600" के क्षेत्रफल "0.0760" को "0.1800", खसरा नं. "613" के क्षेत्रफल "0.2400" को "0.1200" पढ़ें।</p>
का.आ. 597(अ) दिनांक 24 जुलाई, 1999	<p>पृष्ठ सं. 5 पर ग्राम बोरडी, तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "7.5620" को "7.6620" पढ़ें।</p>
का.आ. 1056(अ) दिनांक 9 दिसम्बर, 1998	<p>पृष्ठ सं. 71 पर ग्राम घेनडी, तहसील देसूरी के अन्तर्गत खसरा नं. "165" को "164", खसरा नं. "53" को "43", खसरा नं. "48" के क्षेत्रफल "0.2188" को "0.1670" पढ़ें।</p> <p>पृष्ठ सं. 71 पर ग्राम घेनडी तहसील देसूरी के अन्तर्गत कुल क्षेत्रफल "5.5603" को "5.5085" पढ़ें।</p> <p>पृष्ठ सं. 72 पर ग्राम सिवांस, तहसील देसूरी के अन्तर्गत खसरा नं. "246/807" के क्षेत्रफल "0.1109" को "0.0100", खसरा नं. "246" के क्षेत्रफल "0.0720" को "0.2768", पढ़ें। खसरा नं. "250"</p>

1	2
	के क्षेत्रफल "0.0010", खसरा नं. "247" के क्षेत्रफल "0.1029" को त्रिलोपित माना जाये।
[सं. फा. एल-14014/7/00-जी-पी (भाग-II)]	
पी. एम. मोणा, निदेशक	

New Delhi, the 27th June, 2001

S.O. 1708.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of liquified petroleum gas through Kandla/Jamnagar-Loni pipeline in Rajasthan State, pipeline may be laid by Gas Authority of India Limited;

And whereas, the Government authorised Shri Deepak C. Gupta, Additional Collector on deputation from the State Government of Rajasthan to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 for Kandla/Jamnagar-Loni LPG Pipeline Project vide S.O. No. 241 dated the 20th January, 1998;

And whereas, the Central Government vide S.O. 1096(E) dated the 22nd December, 1998; S.O. 57(E) dated the 2nd February, 1999; S.O. 597(E) dated the 24th July, 1999; 59(E) dated the 2nd February, 1999; S.O. 716(E) dated the 2nd September, 1999; S.O. 2559 dated the 27th November, 1998; S.O. 1056(E) dated the 9th December, 1998 published notifications under sub-section (1) of section 3 of the said Act for acquisition of right of user in the land in the manner specified in the respective schedules annexed thereto;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (1) of section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government being satisfied that it is necessary in the public interest, so to do, hereby direct that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (3) of this said Table.

TABLE

Notification & Date	Amendment
1	2
S.O. 1096(E) dated the 22 nd December, 1998	At Page No. 33, 34 against Village Gudha Bija Tehsil Sojat for Survey No. "177" read "187", for Survey No.

1	2
	"178" read "188", for Survey No. "120" read "121", for Survey No. "593" read "595", for Survey No. "139" Area "0.1200" read "0.1520", for Survey No. "616" Area "1.8000" read "1.8800", for Survey No. "550" Area "0.1040" read "0.0840", for Survey No. "607" Area "0.4540" read "0.4380", and Survey No. "549" Area "0.0320", Survey No. "612" Area "0.0240" shall be deleted.
	At Page No. 34 against Village Gudha Bija Tehsil Sojat for Total Area "5.4560" read "5.5060".
	At Page No. 34 against village Rayrakalan Khurd Tehsil Sojat for Survey No. "156" read "157".
S.O. 57(E) dated the 2 nd February, 1999	At Page No. 16 against Village Rajola Khurd Tehsil Marwar Juntion for Survey No. "345" Area "0.2455" read "0.3400", for Survey No. "206" Area "0.3643" read "0.4593", for Survey No. "346" Area "0.2217" read "0.1600", for Survey No. "245" Area "0.2416" read "0.1696", and Survey No. "208" Area "0.1584" shall be deleted.
	At Page No. 17 against Village Hamirwas Tehsil Marwar Juntion for Survey No. "219" Area "0.0477" read "0.0417".
	At Page No. 16 against Village Manda Tehsil Marwar Juntion for Survey No. "1027" read "1053".
	At Page No. 15 against Village Ranawas Tehsil Marwar Juntion for Survey No. "394/885" read "394/882", for Survey No. "317/885" read "308/885".

1	2	1	2
S.O. 597(E) dated the 24 th July, 1999	At Page No. 40 against Village Jatiyo ki Dhani Tehsil Marwar Junction for Survey No. "1256" Area "0.1258" read "0.1042", for Survey No. "1258" Area "0.0754" read "0.0554", for Survey No. "1215" Area "0.0314" read "0.0344", and Survey No. "1223" Area "0.0030" shall be deleted.	S.O. 57(E) dated the 2nd February, 1999	At Page No. 14 against Village Devli Tehsil Marwar Junction for Total Area "12.6110" read "12.6170". At Page No. 17 against Village Gundangiri Tehsil Marwar Junction for Survey No. "63" read "62". At Page No. 14 against Village Gadana Tehsil Marwar Junction for Survey No. "287" Area "0.3928" read "0.3888", for Survey No. "231" Area "0.2583" read "0.2327", for Survey No. "196" Area "0.2890" read "0.2684", for Survey No. "282" Area "0.2260" read "0.2300", for Survey No. "40" Area "0.0120" read "0.0240", and Survey No. "281" Area "0.0040" Survey No. "291" Area "0.0140" Survey No. "61" Area "0.0120" shall be deleted. At Page No. 15 against Village Bari Tehsil Marwar Junction for Survey No. "275" Area "0.1749" read "0.1040", for Survey No. "264" Area "0.1908" read "0.0800", for Survey No. "72" Area "0.4134" read "0.2261", for Survey No. "63" Area "0.1590" read "0.1580", for Survey No. "278" Area "0.1908" read "0.2226", for Survey No. "279" Area "0.0010" read "0.0560", for Survey No. "269" Area "0.0318" read "0.0640", for Survey No. "265" Area "0.0318" read "0.1200", for Survey No. "261" Area "0.1590" read "0.2160", for Survey No. "75" Area "0.0954" read "0.2080", for Survey No. "74" Area "0.3498" read "0.3508", for Survey No. "60" Area "0.5524" read "0.5683", for Survey
S.O. 57(E) dated the 2nd February, 1999	At Page No. 17 against Village Bornadi Tehsil Marwar Junction for Survey No. "146" Area "0.1949" read "0.0640", and Survey No. "140" area "0.2201" shall be deleted. At Page No. 17 against Village Bornadi Tehsil Marwar Junction Total Area "3.4107" read "3.0597". At Page No. 13 against Village Devli Tehsil Marwar Junction for Survey No. "1100" Area "0.2910" read "0.1647", for Survey No. "1291" Area "0.1390" read "0.0700", for Survey No. "1294" Area "0.1900" read "0.1000", for Survey No. "1295" Area "0.1010" read "0.0100", for Survey No. "1258" Area "0.0120" read "0.0887", for Survey No. "1265" Area "0.1010" read "0.2027", for Survey No. "1205" Area "0.2280" read "0.2389", for Survey No. "1050" Area "0.0890" read "0.1600", for Survey No. "1043" Area "0.0630" read "0.2620", and Survey No. "1099" Area "0.0630" Survey No. "1287" Area "0.0020" Survey No. "1286" Area "0.0130" shall be deleted.		

1	2	1	2
S.O. 57(E) dated the 2nd February, 1999	No. "53" Area "0.6360" read "0.6887", for Survey No. "277" Area "0.0318" Survey No. "262" Area "0.0080" Survey No. "59" Area "0.0159" shall be deleted.		Area "0.0380" read "0.0243", for Survey No. "2225" Area "0.0253" read "0.0081", for Survey No. "2273" Area "0.0253" read "0.0162".
S.O. 59(E) dated the 2nd February, 1999	At Page No. 43 against Village Sumel Raipur for Survey No. "1007" read "1000", for Survey No. "403" read "965", and Survey No. "1047" Area "0.3648" shall be deleted.	S.O. 597(E) dated the 24th July, 1999	At Page No. 48 against Village Babra Tehsil Raipur for Survey No. "1716" Area "0.1800" shall be deleted. At Page No. 48 against Village Babra Tehsil Raipur for Total Area "5.5495" read "5.3295".
S.O. 597(E) dated the 24th July, 1999	At Page No. 44 against Village Sumel Tehsil Raipur for Total Area "11.4555" read "11.7189". At Page No. 44 against Village Nargarh Tehsil Raipur for Total Area "0.6556" read "0.3922". At Page No. 44 against Village Nargarh Tehsil Raipur for Survey No. "1046" Area "0.6282" shall be deleted. At Page No. 44 against Village Mohra Tehsil Raipur for Survey No. "41" read "40".	S.O. 59(E) dated the 2nd February, 1999	At Page No. 38 against Village Biratiya Kalan Tehsil Raipur for Survey No. "840" Area "0.3955" read "0.4105", and Survey No. "835" Area "0.0150" shall be deleted.
		S.O. 59(E) dated the 2nd February, 1999	At Page No. 40, 47 against Village Bar Tehsil Raipur for Survey No. "745" Area "0.0633" read "0.1400", for Survey No. "739" Area "0.0150" read "0.2320", for Survey No. "734" Area "0.2561" read "0.3460", for Survey No. "733" Area "0.0380" read "0.0640", for Survey No. "731" Area "0.0100" read "0.0500", for Survey No. "679" Area "0.2661" read "0.2816", for Survey No. "680" Area "0.0633" read "0.0256", for Survey No. "678" Area "0.1900" read "0.1920", for Survey No. "684" Area "0.1140" read "0.1180", for Survey No. "686" Area "0.1394" read "0.1540", for Survey No. "738/1" Area "0.2091" shall be deleted.
S.O. 59(E) dated the 2nd February, 1999	At Page No. 38 against Village Ramawas Khurd Tehsil Raipur for Survey No. "468" read "1169", Survey No. "473" read "473" and "474". At Page No. 38 against Village Biratiya Khurd Tehsil Raipur for Survey No. "85" read "88" Survey No. "55" read "56", Survey No. "187" Area "0.0380" read Survey No. "205" Area "0.0380" and Survey No. "187" Area "0.0506" read "Survey No. "263" Area "0.0506". At Page No. 41 against Village Babra Tehsil Raipur for Survey No. "1763"	S.O. 597(E) dated the 24th July, 1999	At Page No. 40, against Village Megdadha Tehsil Raipur for Survey No. "79" Area "0.6739" read "0.5956", for Survey No. "71/180" Area "0.1520"

1	2	1	2
S.O. 59(E) dated the 2nd February, 1999	read "0.1754", for Survey No. "73" Area "0.0100" read "0.1647", for Survey No. "74" Area "0.1820" read "0.0127", for Survey No. "48" Area "0.1394" read "0.2028", for Survey No. "42" Area "0.0395" read "0.1647", for Survey No. "43" Area "0.3344" read "0.1394", for Survey No. "14" Area "0.1267" read "0.1647", for Survey No. "13" Area "0.0380" read "0.0253", for Survey No. "11" Area "0.2154" read "0.1014", for Survey No. "7" Area "0.2204" read "0.1394".	S.O. 2559 dated the 27 November, 1998	Survey No. "666" read "665", for Survey No. "797" read "799" for Survey No. "787" read "785". At Page No. 4744 against Village Padarla Tehsil Bali for Survey No. "4" Area "0.7000" read "0.7040". and Survey No. "558" Area "0.0040" shall be deleted. At Page No. 4744, 4745 against Village Seawadi Tehsil Bali for Survey No. "218" Area "0.1380" read "0.1360" for Survey No. "216" Area "0.1340" read "0.0640", for Survey No. "324" Area "0.2420" read "0.2190", for Survey No. "320" Area "0.1370" read "0.0130", for Survey No. "176" Area "0.1700" read "0.1520", for Survey No. "171" Area "0.1450" read "0.0750", for Survey No. "226" area "0.0040" read "0.0740", for Survey, No. "310" Area "0.0080" read "0.0200", for Survey No. "321" Area "0.1160" read "0.2400", for Survey No. "169" Area "0.0320" read "0.0870", for Survey No. "170" Area "0.0050" read "0.0200", for Survey No. "598" read "498", and Survey No. "312" Area "0.0120" Survey No. "314" Area "0.0010" shall be deleted. At Page No. 4752 against Village Punariya Tehsil Bali for Survey No. "355" read "325", for Survey No. "304/699" Area "0.0020" read "0.1280", for Survey No. "304" Area "0.1500" read "0.0240", for Survey No. "187" Area "0.1210" read "0.1280", for Survey No. "562" Area "0.0020" read "0.0240".
S.O. 716(E) dated the 2nd September, 1999 and S.O. 59(E) dated the 2nd February, 1999	At Page No. 40 and 14 against Village Megdadhra Tehsil Raipur for Survey No. "80" Area "0.0050", Survey No. "81" Area "0.0020" Survey No. "47" Area "0.1014" shall be deleted.		
S.O. 59(E) dated the 2nd February, 1999	At Page No. 40 against Village Megdada Tehsil Raipur for Total area "2.2634" read "2.2302".		
S.O. 597(E) dated the 24 July, 1999	At Page No. 44 against Village Khiwal Tehsil Raipur for Survey No. "2707/1" read "2717". At Page No. 46 against Village Giri Tehsil Raipur for Total Area "12.2160" read "12.2287".		
S.O. 59(E) dated the 2nd February, 1999	At Page No. 42 against Village Giri Tehsil Raipur for Survey No. "865" Area "0.0253" read Village "Kheda Momawas" Tehsil "Raipur". At Page No. 40 against Village Raipur Tehsil Raipur For Survey No. "2287" read "2277".		
S.O. 597(E) dated the 24 July, 1999	At page No. 48 against Village Ramgarh Tehsil Raipur for Survey No. "690" read "698", for		

1	2	1	2
S.O. 2559 dated the 27th November, 1998	At Page No. 4752 against Village Punariya Tehsil Bali for Total Area "4.3690" read "4.3980". At Page No. 4747 against Village Sesali Tehsil Bali for Survey No. "507" Area "0.1120" read "0.0500", for Survey No. "509" Area "0.0320" read "0.0450", for Survey No. "943" Area "0.1600" read "0.2160", for Survey No. "860" Area "0.2260" read "0.3590", and Survey No. "854" Area "0.1400" Survey No. "855" Area "0.0140", Survey No. "856" Area "0.1940" shall be deleted. At Page No. 4755 against Village Bhandar Tehsil Bali for Survey No. "1115" Area "0.1220" read "0.1530", for Survey No. "1122" Area "0.1400" read "0.0975", for Survey No. "1135" Area "0.0050" read "0.0475", for Survey No. "1133" read "1132", and Survey No. "1116" Area "0.0310" shall be deleted.	S.O. 2559 dated the 27th November, 1998	"719", for Survey No. "242" read "243", for Survey No. "524" Area "0.1610" read "0.1620", for Survey, No. "526" Area "0.1500" read "0.1510", for Survey No. "519" Area "0.1860" read "0.1900", for Survey No. "556" Area "0.0020" read "0.0040", for Survey No. "754" Area "0.0320" read "0.0330", for Survey No. "674" Area "0.1450" read "0.1470", for Survey No. "245" Area "0.1450" read "0.1470", for Survey No. "261" Area "0.1850" read "0.1860", for Survey No. "266" Area "0.1900" read "0.1910", for Survey No. "707" Area "0.2450" read "0.2000", for Survey No. "708" Area "0.1040" read "0.1600", and Survey No. "525" Area "0.0010" Survey No. "528" Area "0.0010" Survey No. "529" Area "0.0040" Survey No. "573" Area "0.0020" Survey No. "675" Area "0.0010" Survey No. "685" Area "0.0020" Survey No. "248" Area "0.0020" Survey No. "262" Area "0.0010" Survey No. "268" Area "0.0010" shall be deleted. At Page No. 4758 against Village Bhatund Tehsil Bali for Total Area "8.8765" read "8.8875". At Page No. 4739 against Village Sadalwa Tehsil Bali for Survey No. "280" read "275/291", for Survey No. "253" read "252", for Survey No. "239" Area "0.1920" read "0.1900". At Page No. 4742 against Village Kumatiya Tehsil Bali for Survey No. "390" read "247", for Survey No. "251" Area "0.0400" read "0.0280"
S.O. 597(E) dated the 24th July, 1999	At Page No. 33, 34 against Village Virampura Tehsil Bali for Survey No. "1971" read "1970", for Survey No. "1947" Area "0.0900" read "0.0840", for Survey No. "1847" Area "0.2040" read "0.1640", for Survey No. "1844" Area "0.0600" read "0.0025", for Survey No. "1967" Area "0.0780" read "0.1355" At Page No. 34 against Village Virampura Tehsil Bali for Total Area "4.8340" read "4.8280".		
S.O. 2559 dated the 27th November, 1998	At Page No. 4756 to 4758 against Village Bhatund Tehsil Bali for Survey No. "349" read "649", for Survey No. "842" read		

1	2
S.O.2559 dated the 27th November, 1998	At Page No. 4743 against Village Bijapur Tehsil Bali for Survey No. "321" read "621", for Survey No. "322" read "622". At Page No. 4751 against Village Bhitwara Tehsil Bali for Survey No. "772" Area "0.0340" read "0.0330". At Page No. 4750 against Village Tipari Tehsil Bali for Survey No. "490" read "488". At Page No. 4748 against Village Kotbaliya Tehsil Bali for Survey No. "1078" read "1079", for Survey No. "1095" read "1096", for Survey No. "1093" read "1095", for Survey No. "1099" read "1097". At page No. 4749, 4750 against Village Nana Tehsil Bali for Survey No. "257" Area "0.2160" read "0.1680", for Survey No. "230" Area "0.0880" read "0.0410", for Survey No. "133" Area "0.0500" read "0.0200", for Survey No. "120" Area "0.3648" read "0.0250", for Survey No. "127" Area "0.3640" read "0.2560", for Survey No. "129" Area "0.4160" read "0.2560", for Survey No. "549" Area "0.1100" read "0.0180", for Survey No. "649" Area "0.0320" read "0.0020", for Survey No. "662" Area "0.0710" read "0.0240", for Survey No. "681" Area "0.4300" read "0.3560", for Survey No. "264" Area "0.1538" read "0.2800", for Survey No. "253" Area "0.0560" read "0.2480", for Survey No. "248" Area "0.0578" read "0.4120", for Survey No. "211" Area "0.2880" read "0.3360", for Survey No. "216" Area "0.1320" read

1	2
S.O. 2559 dated the 27th November, 1998	"0.3680", for Survey No. "199" Area "0.0100" read "0.1880", for Survey No. "189" Area "0.0050" read "0.1600", for Survey No. "184" Area "0.2040" read "0.1560", for Survey No. "119" Area "0.0450" read "0.2800", for Survey No. "121" Area "0.0220" read "0.2800", for Survey No. "128" Area "0.0506" read "0.0800", for Survey No. "49" Area "0.0460" read "0.2400", for Survey No. "52" Area "0.0430" read "0.1640", for Survey No. "640/4147" Area "0.0040" read "0.2240", for Survey No. "647" Area "0.0720" read "0.1500", for Survey No. "660" Area "0.0800" read "0.0960", for Survey No. "682" Area "0.0200" read "0.1360", and Survey No. "648" Area "0.0480" Survey No. "640" Area "0.1660" Survey No. "550" Area "0.0200" Survey No. "130" Area "0.1100" Survey No. "251" Area "0.1200" Survey No. "252" Area "0.5040" Survey No. "258" Area "0.2320" Survey No. "233/4124" Area "0.0040" Survey No. "212" Area "0.2000" Survey No. "213" Area "0.0400" Survey No. "213/4109" Area "0.1100" Survey No. "214" Area "0.1000" Survey No. "215" Area "0.0230" Survey No. "215/4107" Area "0.1760" Survey No. "202" Area "0.1800" Survey No. "188" Area "0.3200" Survey No. "188/4116" Area "0.1060" Survey No. "185" Area "0.4360" Survey No. "183" Area "0.1100" Survey No. "181" Area "0.0300" Survey No. "132/4016" Area "0.0350" shall be deleted.

1	2	1	2
S.O. 2559 dated the 27th November, 1998 (Contd.)	At Page No. 4750 against Village Nana Tehsil Bali for Total Area "16.3232" read "16.4302". At Page No. 4741 against Village Bera Tehsil Bali for Survey No. "1926" Area "0.1680" read "0.0760", for Survey No. "1994" read "1894".	S. O. 1056(E) dated 9th December, 1998 (Contd.)	Survey No. "307" Area "0.1250" Survey No. "308" Area "0.0300" Survey No. "311" Area "0.0200" Survey No. "354" Area "0.1300" Survey No. "353" Area "0.2500" Survey No. "347" Area "0.1500" Survey No. "345" Area "0.1760" Survey No. "344" Area "0.0580" Survey No. "334" Area "0.1360" Survey No. "139" Area "0.1020" Survey No. "140" Area "0.0940" Survey No. "96" Area "0.0010" shall be deleted. At Page No. 76 against Village Underthal Tehsil Desuri for Total Area "4.2160" read "4.1840". At Page No. 76 against Village Delop Tehsil Desuri for Survey No. "429" Area "0.1412" read "0.2100", for Survey No. "423" Area "0.012" read "0.1360". At Page No. 76 against Village Dalop Tehsil Desuri for Total Area "4.4224" read "4.6660". At Page No. 76 against Village Padampura Tehsil Desuri for Survey No. "105" Area "0.3368" read "0.1620". At Page No. 77 against Village Padampura Tehsil Desuri for Total Area "2.5037" read "2.3289". At Page No. 78 against Village Kotri Tehsil Desuri Survey No. "141" Area "0.0430", Survey No. "410" Area "0.0010" shall be deleted. At Page No. 78 against Village Kotri Tehsil Desuri for Total Area "4.9754" read "4.9314". At Page No. 80 against village Jiwand Khurd Tehsil Desuri for Survey No. "92" Area "0.5920" read "0.4600" for Survey No. "217" Area "0.1220" read Survey No. "217/1" Area "0.0100" and Survey
S.O. 1056(E) dated 9th December, 1998	At Page No. 75 against Village Barod Tehsil Desuri for Survey No. "88" Area "0.1200" read "0.1650", for Survey No. "85" Area "0.1200" read "0.3720", for Survey No. "62" Area "0.1280" read "0.1560", for Survey No. "26" Area "0.2800" read "0.2880", for Survey No. "72" Area "0.1680" read "0.1370", for Survey No. "87" Area "0.3200" read "0.1490", for Survey No. "76" Area "0.5040" read "0.4520" for Survey No. "28" Area "0.5200" read "0.4720", for Survey No. "293" read "248" and Survey No. "83" Area "0.0010" Survey No. "24" Area "0.0300" shall be deleted. At Page No. 75, 76 against Village Underthal Tehsil Desuri for Survey No. "355" Area "0.2000" read "0.0160", for Survey No. "350" Area "0.0560" read "0.0110", for Survey No. "341" Area "0.0720" read "0.0440", for Survey No. "339" Area "0.0900" read "0.0820", for Survey No. "116" Area "0.0360" read "0.0150", for Survey No. "115" Area "0.1200" read "0.0800", for Survey No. 356" Area "0.0800" read "1.1720", for Survey No. "349" Area "0.0080" read "0.1380", for Survey No. "348" Area "0.1040" read "0.1350" for Survey No. "338" Area "0.0840" read "0.1080", for Survey No. "115/394" Area "0.0800" read "0.1100", and Survey No. "306" Area "0.3080"		

1	2
S. O. 1056 (E) dated 9th December, 1998 (Contd.)	No. "101" Area "0.0200" shall be deleted. At Page No. 78, 79 against Village Nadol Tehsil Desuri for Survey No. "4598" read "4498", for Survey No. "3465" read "3464", for Survey No. "4583" Area "0.0188" read "0.0480", for Survey No. "4661" Area "0.0600" read "0.0100", for Survey No. "4663" Area "0.1346" read "0.0160", for Survey No. "4690" Area "0.0320" read "0.1500", for Survey No. "3799" Area "0.1550" read "0.2360", for Survey No. "3796" Area "0.1600" read "0.2000", for Survey No. "3792" Area "0.2613" read "0.3400", for Survey No. "3787" Area "0.1188" read "0.1880", for Survey No. "3582" Area "0.0720" read "0.1240", for Survey No. "3580" Area "0.0080" read "0.0600", for Survey No. "3579" Area "0.0480" read "0.2120", for Survey No. "4519" Area "0.1980" read "0.1580", for Survey No. "4584" Area "0.1000" read "0.708", for Survey No. "4685" Area "0.4000" read "0.3880", for Survey No. "4691" Area "0.2930" read "0.2720", for Survey No. "4693" Area "0.0400" read "0.0100", for Survey No. "3795" Area "0.1600" read "0.0250", for Survey No. "3783" Area "0.2059" read "0.1600", for Survey No. "3786" Area "0.0240" read "0.0040", for Survey No. "3604" Area "0.2772" read "0.2400", for Survey No. "3499" Area "0.0320" read "0.0240", and

1	2
S. O. 1056 (E) dated 9th December, 1998 (Contd.)	Survey No. "4662" Area "0.0040" Survey No. "4692" Area "0.0400" Survey No. "3798" Area "0.0420" Survey No. "3782" Area "0.0040" Survey No. "3581" Area "0.1663" shall be deleted.
S.O. 597(E) dated the 24 July, 1999	At Page No. 30 against Village Nadol Tehsil Desuri for Total Area "10.2287" read "10.4356".
S.O. 1056(E) dated the 9th December, 1998	At Page No. 80 against Village Bordi Tehsil Desuri for Survey No. "612" Area "0.0560" read "0.1720", for Survey No. "660" Area "0.0760" read "0.1800", for Survey No. "613" Area "0.2400" read "0.1200",
S.O. 597(E) dated the 24 July, 1999	At Page No. 30 against Village Bordi Tehsil Desuri for Total Area "7.5620" read "7.6620".
S.O. 1056(E) dated the 9th December, 1998	At Page No. 82 against Village Ghenari Tehsil Desuri for Survey No. "165" read "164", for Survey No. "53" read "43", for Survey No. "48" Area "0.2188" read "0.1670". At Page No. 82 against Village Ghenari Tehsil Desuri for Total Area "5.5603" read "5.5085". At Page No. 83 against Village Shivas Tehsil Desuri for Survey No. "246/807" Area "0.1109" read "0.0100", for Survey No. "246" Area "0.0720" read "0.2768", and Survey No. "250" Area "0.0010" Survey No. "247" Area "0.1029" shall be deleted.

[F. No. L-14014/7/00-G.P. (Part-II)]

P. M. MEENA, Director

नई दिल्ली, 12 जुलाई, 2001

का.आ. 1709.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 17 के अधीन बनाए गए पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के स्पष्टीकरण के अधीन नियम 4 के परन्तुक के अनुसरण में, सक्षम प्राधिकारी, उज्जैन गैस अथॉरिटी ऑफ इंडिया लिमिटेड, जिसे, यथास्थिति, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है या उस क्षेत्र में पाइपलाइन का स्वामित्व प्रदान किया गया है, के परामर्श से इससे संलग्न अनुसूची के स्तम्भ 8 में यथा वर्णित बाजना से खेड़ा कम्प्रेसन स्टेशन तक पानी की पाइपलाइन बिछाने के कार्य की समाप्ति की तारीख की घोषणा करता है।

अनुसूची

जिला	तहसील	गांव	अधिसूचना धारा 3(1)		अधिसूचना धारा 6(1)		समापन कार्य की तारीख
			राजपत्र के प्रकाशन की तिथि	क्रम सं. और तिथि	राजपत्र के प्रकाशन की तिथि	क्रम सं. और तिथि	
उज्जैन	तराणा	चिकली	राजपत्र सं. 44 तिथि 31/10/98	का.आ. 2129 तिथि 23/10/98	राजपत्र सं. 32 तिथि 07/08/99	का.आ. 2235 तिथि 22/07/99	06/04/2000
		सूमाराखेडी	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	08/04/2000
		भोडल्या	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	09/04/2000
		ढान्याखेडी	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	11/04/2000
		गोदडी	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	11/04/2000
		काथडी	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	उपरोक्तानुसार	11/04/2000
शाजापुर	आगर	बाजना	राजपत्र सं. 44 तिथि 31/10/98	का.आ. 2128 तिथि 23/10/98	राजपत्र सं. 32 तिथि 07/08/99	का.आ. 2234 तिथि 22/07/99	15/04/2000

[का. सं. एल-14014/4/98-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 12th July, 2001

S.O. 1709—In pursuance of proviso to rule 4 under explanation of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 framed under section 17 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Competent Authority, Ujjain in consultation with the Gas Authority of India Limited with whom the right of user in land in that area has been vested or ownership of the pipeline in that area vest as the case may be, hereby declares the date of termination of operation of laying water pipeline from Bajna to Khera compressor station as mentioned in column 8 of the Schedule annexed herewith.

SCHEDULE

District	Tehsil	Village	Notification U/S 3(1)		Notification U/S 6(1)		Date of Termination of Operation
			Date of publication of Gazette	S.O. No. and Date	Date of publication of Gazette	S.O. No. and Date	
Ujjain	Tarana	Chikli	Gazette No. 44 Date 31/10/98	S.O. 2129 Date 23/10/98	Gazette No. 32 Date 07/08/99	S.O. No. 2235 Date 22/07/99	06/04/2000
		Sumrakheri	As Above	As Above	As Above	As Above	08/04/2000
		Bhodliya	As Above	As Above	As Above	As Above	09/04/2000
		Dhanya-kheri	As Above	As Above	As Above	As Above	11/04/2000
		Godadi	As Above	As Above	As Above	As Above	11/04/2000
		Khathadi	As Above	As Above	As Above	As Above	11/04/2000
Shajapur	Agar	Bajna	Gazette No. 44 Date 31/10/98	S.O. 2128 Date 23/10/98	Gazette No. 32 Date 07/08/99	S.O. No. 2234 Date 22/07/99	15/04/2000

[F. No. L-14014/4/98-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 12 जुलाई, 2001

का.आ. 1710.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 17 के अधीन बनाए गए पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के स्पष्टीकरण के अधीन नियम 4 के परन्तुक के अनुसरण में, सक्षम प्राधिकारी, राजामुन्द्री गैस अथॉरिटी ऑफ इंडिया लिमिटेड, जिसे, यथास्थिति, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है या उस क्षेत्र में पाइपलाइन का स्वामित्व प्रदान किया गया है, के परामर्श से इससे संलग्न अनुसूची के स्तम्भ 8 में यथा वर्णित अडावीपालेम से टाटीपाका तक गैस की पाइपलाइन बिछाने के कार्य की समाप्ति की तारीख की घोषणा करता है।

अनुसूची

जिला	तहसील	गांव	अधिसूचना धारा 3(1)		अधिसूचना धारा 6(1)		समापन कार्य की तारीख
			राजपत्र के प्रकाशन की तिथि	क्रम सं. और तिथि	राजपत्र के प्रकाशन की तिथि	क्रम सं. और तिथि	
पूर्वी गोदावरी	मल्लिकपुरम	शंकरगुप्तम	तिथि 28-8-99	क्रम सं. 2407	तिथि 2-2-2000	क्रम सं. 92(ई)	8-2-2000
			राजपत्र का.आ. 35	तिथि 19-8-99	राजपत्र सं. 71	तिथि 1-2-2000	
	मामिडिकुदुरु	नगरम	तिथि 1-5-99	का.आ. 1201	तिथि 13-11-99	का.आ. 3279	15-11-99
			राजपत्र का.आ. 18	तिथि 19-4-99	राजपत्र का.आ. 46	तिथि 8-11-99	
	मामिडिकुदुरु	गेदाडा	तिथि 1-5-99	का.आ. 1201	तिथि 13-11-99	का.आ. 3279	15-11-99
			राजपत्र का.आ. 18	तिथि 19-4-99	राजपत्र का.आ. 46	तिथि 8-11-99	
	माल्लिकपुरम	केशनपल्लि	तिथि 28-11-98	का.आ. 2445	तिथि 1-5-99	का.आ. 1202	01-10-99
			राजपत्र का.आ. 48	तिथि 17-11-98	राजपत्र का.आ. 18	तिथि 19-4-99	
	माल्लिकपुरम	गुडपल्लि	तिथि 28-11-98	का.आ. 2445	तिथि 1-5-99	का.आ. 1202	01-10-99
			राजपत्र का.आ. 48	तिथि 17-11-98	राजपत्र का.आ. 18	तिथि 19-4-99	
रजोलु	चिन्तलपल्लि		तिथि 26-9-98	का.आ. 1905	तिथि 1-5-99	का.आ. 1203	01-10-99
			राजपत्र का. आ. 39	तिथि 15-9-98	राजपत्र का.आ. 18	तिथि 19-4-99	
रजोलु	कून्वरम		तिथि 26-9-98	का.आ. 1905	तिथि 1-5-99	का.आ. 1203	01-10-99
			राजपत्र का.आ. 39	तिथि 15-9-98	राजपत्र का.आ. 18	तिथि 19-4-99	
रजोलु	कडलि		तिथि 06-3-99	का.आ. 699	तिथि 26-6-99	का.आ. 1828	01-10-99
			राजपत्र का. आ. 10	तिथि 23-2-99	राजपत्र का.आ. 26	तिथि 17-6-99	
मामिडिकुदुरु	ईदराड		तिथि 06-3-99	का.आ. 700	तिथि 26-6-99	का.आ. 1827	01-10-99
			राजपत्र का.आ. 10	तिथि 23-2-99	राजपत्र का.आ. 26	तिथि 17-6-99	

[फा. सं. एल-14014/6/98-जी.पी.(भाग-II)]

स्वामी सिंह, निदेशक

New Delhi, the 12th July, 2001

S.O. 1710—In pursuance of proviso to rule 4 under explanation of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 framed under section 17 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Competent Authority, Rajamundry in consultation with the Gas Authority of India Limited with whom the right of user in land in that area has been vested or ownership of the pipeline in that area vest as the case may be, hereby declares the date of termination of operation of laying gas pipeline from Adavipalem to Tatipaka as mentioned in column (8) of the Schedule annexed herewith.

SCHEDULE

District	Tehsil	Village	Notification U/S 3(1)		Notification U/S 6(1)		Date of Termination of Operation
			Date of publication of Gazette	S.O. No. and Date	Date of publication of Gazette	S.O. No. and Date	
East Godavari	Maliki-puram	Sankara-Guptam	Dtd. 28-8-99 Gazette No. 35	S.O. 2407 Date 19-8-99	Dtd. 2-2-2000 No. 71	S.O. No. 92(E) Dtd. 1-2-2000	08-2-2000
		Mamidikuduru	Dtd. 1-5-99 Gazette No. 18	S.O. 1201 Dtd. 19-4-99	Dtd. 13-11-99 Gazette No. 46	S.O. No. 3279 Dtd. 8-11-99	15-11-99
	Mamidikuduru	Geddada	Dtd. 1-5-99 Gazette No. 18	S.O. 1201 Dtd. 19-4-99	Dtd. 13-11-99 Gazette No. 46	S.O. No. 3279 Dtd. 8-11-99	15-11-99
		Kesana-palli	Dtd. 28-11-98 Gazette No. 48	S.O. 2445 Dtd. 17-11-98	Dtd. 1-5-99 Gazette No. 18	S.O. No. 1202 Dtd. 19-4-99	01-10-99
	Maliki-puram	Gudapalli	Dtd. 28-11-98 Gazette No. 48	S.O. 2445 Dtd. 17-11-98	Dtd. 1-5-99 Gazette No. 18	S.O. No. 1202 Dtd. 19-4-99	01-10-99
		Razole	Dtd. 26-9-98 Gazette No. 39	S.O. 1905 Dtd. 15-9-98	Dtd. 1-5-99 Gazette No. 18	S.O. No. 1203 Dtd. 19-4-99	01-10-99
	Razole	Kunavaram	Dtd. 26-9-98 Gazette No. 39	S.O. 1905 Dtd. 15-9-98	Dtd. 1-5-99 Gazette No. 18	S.O. No. 1203 Dtd. 19-4-99	01-10-99
		Kadali	Dtd. 06-3-99 Gazette No. 10	S.O. 699 Dtd. 23-2-99	Dtd. 26-6-99 Gazette No. 26	S.O. No. 1828 Dtd. 17-6-99	01-10-99
	Mamidikuduru	Edarada	Dtd. 06-3-99 Gazette No. 10	S.O. 700 Dtd. 23-2-99	Dtd. 26-6-99 Gazette No. 26	S.O. No. 1827 Dtd. 17-6-99	01-10-99

[F. No. L-14014/6/98-G.P. (Vol.-II)]

SWAMI SINGH, Director

नई दिल्ली, 12 जुलाई, 2001

का.आ. 1711.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 17 के अधीन बनाए गए पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के स्पष्टीकरण के अधीन नियम 4 के परन्तुक के अनुसरण में, सक्षम प्राधिकारी, काण्डला-जामनगर-लोनी एल.पी.जी. पाइपलाइन, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, जिसे, यथास्थिति, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है या उस क्षेत्र में पाइपलाइन का स्थापित प्रदान किया गया है, के परामर्श से इससे संलग्न अनुसूची के स्तम्भ 8 में यथा वर्णित काण्डला से जामनगर-दिल्ली से होकर लोनी संयंत्र तक गैस पाइपलाइन बिछाने के कार्य की समाप्ति की तारीख की घोषणा करता है।

अनुसूची

जिला	तहसील	गांव	अधिसूचना धारा 3(1)		अधिसूचना धारा 6(1)		समापन कार्य की तारीख
			राजपत्र के प्रकाशन की तिथि	का.आ. सं. और तिथि	राजपत्र के प्रकाशन की तिथि	का.आ.सं. और तिथि	
1	2	3	4	5	6	7	8
अजमेर	नसीराबाद	मोडी	797 दिनांक 9 दिसम्बर, 1998	1054(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
			797 दिनांक 9 दिसम्बर, 1998	1054(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
		बनेवडी	797 दिनांक 9 दिसम्बर, 1998	1054(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
			797 दिनांक 9 दिसम्बर, 1998	1055(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
		भीमपुरा	453 दिनांक 24 जुलाई, 1999	597(अ) दिनांक 24 जुलाई, 1999	677 दिनांक 15 नवम्बर, 1999	1099(अ) दिनांक 11 नवम्बर, 1999	—
			797 दिनांक 9 दिसम्बर, 1998	1055(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
		खापरी	453 दिनांक 24 जुलाई, 1999	597(अ) दिनांक 24 जुलाई, 1999	677 दिनांक 15 नवम्बर, 1999	1099(अ) दिनांक 11 नवम्बर, 1999	—
			797 दिनांक 9 दिसम्बर, 1998	1055(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999	368(अ) दिनांक 24 मई, 1999	29 मई, 2000
		रामपुरा	47 दिनांक	2386(अ) दिनांक	274 दिनांक	368(अ) दिनांक	29 मई, 2000

1	2	3	4	5	6	7	8
अजमेर	नसीराबाद	अहिरान्	21 नवम्बर, 1998 453 दिनांक 24 जुलाई, 1999 488 दिनांक 9 अगस्त, 1999	17 नवम्बर, 1998 597(अ) दिनांक 24 जुलाई, 1999 637(अ) दिनांक 9 अगस्त, 1999	24 मई, 1999 677 दिनांक 15 नवम्बर, 1999	24 मई, 1999 1099(अ) दिनांक 11 नवम्बर, 1999	—
		राजौसी	797 दिनांक 9 दिसम्बर, 1998	1055(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999 419 दिनांक 7 जुलाई, 1999	368(अ) दिनांक 24 मई, 1999 557(अ) दिनांक 7 जुलाई, 1999	29 मई, 2000
		राजगढ़	797 दिनांक 9 दिसम्बर, 1998	1055(अ) दिनांक 9 दिसम्बर, 1998	274 दिनांक 24 मई, 1999 419 दिनांक 7 जुलाई, 1999	368(अ) दिनांक 24 मई, 1999 557(अ) दिनांक 7 जुलाई, 1999	29 मई, 2000
		तिहारी	47 दिनांक 21 नवम्बर, 1998	2386(अ) दिनांक 17 नवम्बर, 1998	274 दिनांक 24 मई, 1999 419 दिनांक 7 जुलाई, 1999	368(अ) दिनांक 24 मई, 1999 557(अ) दिनांक 7 जुलाई, 1999	29 मई, 2000
		जलाधिका	47 दिनांक 21 नवम्बर, 1998	2386(अ) दिनांक 17 नवम्बर, 1998	274 दिनांक 24 मई, 1999 419 दिनांक 7 जुलाई, 1999	368(अ) दिनांक 24 मई, 1999 557(अ) दिनांक 7 जुलाई, 1999	29 मई, 2000
		कानपुरा	47 दिनांक 21 नवम्बर, 1998 453 दिनांक 24 जुलाई, 1999	2386(अ) दिनांक 17 नवम्बर, 1998 597(अ) दिनांक 24 जुलाई, 1999	274 दिनांक 24 मई, 1999 419 दिनांक 7 जुलाई, 1999 677 दिनांक 15 नवम्बर, 1999	368(अ) दिनांक 24 मई, 1999 557(अ) दिनांक 7 जुलाई, 1999 1099(अ) दिनांक 11 नवम्बर, 1999	29 मई, 2000
		गादेरी	797 दिनांक 9 दिसम्बर, 1998 110 दिनांक 22 फरवरी, 2000	1054(अ) दिनांक 9 दिसम्बर, 1998 145(अ) दिनांक 17 फरवरी, 2000	274 दिनांक 24 मई, 1999 431 दिनांक 29 जून, 2000	368(अ) दिनांक 24 मई, 1999 612(अ) दिनांक 29 जून, 2000	29 मई, 2000
		दिलवाडी	110 दिनांक 22 फरवरी, 2000	145(अ) दिनांक 17 फरवरी, 2000	431 दिनांक 29 जून, 2000	612(अ) दिनांक 29 जून, 2000	29 मई, 2000
	किशनगढ़	मुण्डालाव	52 दिनांक 26 दिसम्बर, 1998 453 दिनांक 24 जुलाई, 1999 362 दिनांक 23 जून, 1999	2685(अ) दिनांक 10 दिसम्बर, 1998 597(अ) दिनांक 24 जुलाई, 1999 477(अ) दिनांक 23 जून, 1999	255 दिनांक 17 मई, 1999 677 दिनांक 15 नवम्बर, 1999 419 दिनांक 7 जुलाई, 1999	347(अ) दिनांक 17 मई, 1999 1098(अ) दिनांक 11 नवम्बर, 1999 558(अ) दिनांक 7 जुलाई, 1999	29 मई, 2000
		भारला	52 दिनांक 26 दिसम्बर, 1998	2685(अ) दिनांक 10 दिसम्बर, 1998	255 दिनांक 17 मई, 1999	347(अ) दिनांक 17 मई, 1999	29 मई, 2000
		कटसूरा	52 दिनांक 26 दिसम्बर, 1998	2685(अ) दिनांक 10 दिसम्बर, 1998	255 दिनांक 17 मई, 1999	347(अ) दिनांक 17 मई, 1999	29 मई, 2000
		घोलपुरिया	52 दिनांक 26 दिसम्बर, 1998	2685(अ) दिनांक 10 दिसम्बर, 1998	255 दिनांक 17 मई, 1999	347(अ) दिनांक 17 मई, 1999	29 मई, 2000

1	2	3	4	5	6	7	8
अजमेर	किसानगढ़	भोगादित	52 दिनांक	2685(अ) दिनांक	255 दिनांक	347(अ) दिनांक	29 मई, 2000
			26 दिसम्बर, 1998	10 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
			52 दिनांक	2685(अ) दिनांक	255 दिनांक	347(अ) दिनांक	29 मई, 2000
			26 दिसम्बर, 1998	10 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
		देवपुरी	362 दिनांक	477(अ) दिनांक	677 दिनांक	1098(अ) दिनांक	
			23 जून, 1999	23 जून, 1999	15 नवम्बर, 1999	11 नवम्बर, 1999	
			52 दिनांक	2685(अ) दिनांक	255 दिनांक	347(अ) दिनांक	29 मई, 2000
			26 दिसम्बर, 1998	10 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
		टिहरी	362 दिनांक	477(अ) दिनांक	677 दिनांक	1098(अ) दिनांक	
			23 जून, 1999	23 जून, 1999	15 नवम्बर, 1999	11 नवम्बर, 1999	
			52 दिनांक	2685(अ) दिनांक	255 दिनांक	347(अ) दिनांक	29 मई, 2000
			26 दिसम्बर, 1998	10 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
		कालानाड़ा	362 दिनांक	477(अ) दिनांक	677 दिनांक	1098(अ) दिनांक	
			23 जून, 1999	23 जून, 1999	15 नवम्बर, 1999	11 नवम्बर, 1999	
			52 दिनांक	2685(अ) दिनांक	255 दिनांक	347(अ) दिनांक	29 मई, 2000
			26 दिसम्बर, 1998	10 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
अजमेर	अजमेर	बलवन्ता	47 दिनांक	2386(अ) दिनांक	274 दिनांक	371(अ) दिनांक	29 मई, 2000
			21 नवम्बर, 1998	17 नवम्बर, 1998	24 मई, 1999	24 मई, 1999	
			488 दिनांक	636(अ) दिनांक	677 दिनांक	1100(अ) दिनांक	
			9 अगस्त, 1999	9 अगस्त, 1999	15 नवम्बर, 1999	11 नवम्बर, 1999	
		दाला	110 दिनांक	144(अ) दिनांक	431 दिनांक	611(अ) दिनांक	
			22 फरवरी, 2000	17 फरवरी, 2000	29 जून, 2000	29 जून, 2000	
			110 दिनांक	144(अ) दिनांक	431 दिनांक	611(अ) दिनांक	29 मई, 2000
			22 फरवरी, 2000	17 फरवरी, 2000	29 जून, 2000	29 जून, 2000	
		जाटिया	110 दिनांक	144(अ) दिनांक	431 दिनांक	611(अ) दिनांक	29 मई, 2000
			22 फरवरी, 2000	17 फरवरी, 2000	29 जून, 2000	29 जून, 2000	
अजमेर	पीसांगन	बिडक-	797 दिनांक	1055(अ) दिनांक	274 दिनांक	370(अ) दिनांक	3 जून, 2000
			विद्यावास	9 दिसम्बर, 1998	24 मई, 1999	24 मई, 1999	
			488 दिनांक	635(अ) दिनांक	677 दिनांक	1101(अ) दिनांक	
			9 अगस्त, 1999	9 अगस्त, 1999	15 नवम्बर, 1999	11 नवम्बर, 1999	
		गोला	453 दिनांक	597(अ) दिनांक			
			24 जुलाई, 1999	24 जुलाई, 1999			
			362 दिनांक	477(अ) दिनांक			
			23 जून, 1999	23 जून, 1999			
		दौलतखेड़ा	797 दिनांक	1052(अ) दिनांक	255 दिनांक	342(अ) दिनांक	3 जून, 2000
			9 दिसम्बर, 1998	9 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
			797 दिनांक	1052(अ) दिनांक	255 दिनांक	342(अ) दिनांक	3 जून, 2000
			9 दिसम्बर, 1998	9 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
		जेठाना	797 दिनांक	1052(अ) दिनांक	255 दिनांक	342(अ) दिनांक	3 जून, 2000
			9 दिसम्बर, 1998	9 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
		मांगलिया-	797 दिनांक	1052(अ) दिनांक	255 दिनांक	342(अ) दिनांक	3 जून, 2000
			वास	9 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
अजमेर	मंसूदा	माधोगढ़	797 दिनांक	1058(अ) दिनांक	255 दिनांक	343(अ) दिनांक	29 मई, 2000
			9 दिसम्बर, 1998	9 दिसम्बर, 1998	17 मई, 1999	17 मई, 1999	
			362 दिनांक	477(अ) दिनांक			
			23 जून, 1999	23 जून, 1999			

[फा.सं. एल-14014/12/01-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 12th July, 2001

S.O. 1711.—In pursuance of proviso to rule 4 under explanation of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 framed under section 17 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Competent authority, Kandla/Jamnagar-Loni LPG Pipeline in consultation with Gas Authority of India Limited with whom the right of user in land in that area has been vested or ownership of the pipeline in that area vest as the case may be, hereby declares the date of termination of operation of lying Gas Authority of India liquified petroleum gas pipeline from Kandla/Jamnagar-Loni (via Delhi) as mentioned in column (8) of the Schedule annexed herewith

SCHEDULE

District	Tehsil	Village	Notification U/s 3(1)		Notification U/s 6(1)		Date of Termination of Operations
			Date of Publication of Gazette	S.O. No. and Date	Date of Publication of Gazette	S.O. No. and Date	
1	2	3	4	5	6	7	8
Ajmer	Nasirabad	Modi	797 dated 9 December, 1998	1054(E) dated 9 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
			797 dated 9 December, 1998	1054(E) dated 9 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
		Banevari	797 dated 9 December, 1998	1054(E) dated 9 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
			797 dated 9 December, 1998	1055(E) dated 7 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
		Bhimapura	453 dated 24 July, 1999	597(E) dated 24 July, 1999	677 dated 15 Nov., 1999	1099(E) dated 11 Nov., 1999	
			797 dated 9 December, 1998	1055(E) dated 7 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
		Khapri	453 dated 24 July, 1999	597(E) dated 24 July, 1999	677 dated 15 Nov., 1999	1099(E) dated 11 Nov., 1999	
			797 dated 9 December, 1998	1055(E) dated 7 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
		Rampura	453 dated 24 July, 1999	597(E) dated 24 July, 1999	677 dated 15 Nov., 1999	1099(E) dated 11 Nov., 1999	
			47 dated 21 November, 1998	2386(E) dated 17 November, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
		Ahiran	488 dated 9 Aug., 1999	637(E) dated 9 Aug., 1999	677 dated 15 Nov., 1999	1099(E) dated 11 Nov., 1999	
			453 dated 24 July, 1999	597(E) dated 24 July, 1999			
		Rajosi	797 dated 9 December, 1998	1055(E) dated 9 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
					419 dated 7 July, 1999	557(E) dated 7 July, 1999	
		Rajgarh	797 dated 9 December, 1998	1055(E) dated 9 December, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
					419 dated 7 July, 1999	557(E) dated 7 July, 1999	
Ajmer	Nasirabad	Tihari	47 dated 21 November, 1998	2386(E) dated 17 November, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
					419 dated 7 July, 1999	557(E) dated 7 July, 1999	
		Jalawara	47 dated 21 November, 1998	2386(E) dated 17 November, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
					419 dated 7 July, 1999	557(E) dated 7 July, 1999	
		Kanpura	47 dated 21 November, 1998	2386(E) dated 17 November, 1998	274 dated 24 May, 1999	368(E) dated 24 May, 1999	29 May, 2000
			453 dated 24 July, 1999	597(E) dated 24 July, 1999	419 dated 7 July, 1999	557(E) dated 7 July, 1999	
					677 dated 15 November, 1999	1099(E) dated 11 November, 1999	

1	2	3	4	5	6	7	8
Ajmer	Nasirabad	Gaderi	797 dated 9 December, 1998 110 dated 22 February, 2000	1054(E) dated 7 December, 1998 145(E) dated 17 February, 2000	274 dated 24 May, 1999 431 dated 29 June, 2000	368(E) dated 24 May, 1999 612(E) dated 29 June, 2000	29 May, 2000
		Dilwari	110 dated 22 February, 2000	145(E) dated 17 February, 2000	431 dated 29 June, 2000	612(E) dated 29 June, 2000	29 May, 2000
	Kishangarh	Modolav	52 dated 26 December, 1998 453 dated 24 July, 1999 362 dated 23 June, 1999	2685(E) dated 10 December, 1998 597(E) dated 24 July, 1999 477(E) dated 23 June, 1999	255 dated 17 May, 1999 677 dated 15 November, 1999 419 dated 7 July, 1999	347(E) dated 17 May, 1999 1098(E) dated 11 November, 1999 558(E) dated 7 July, 1999	29 May, 2000
		Bharla	52 dated 26 December, 1998	2685(E) dated 10 December, 1998	255 dated 17 May, 1999	347(E) dated 17 May, 1999	29 May, 2000
		Katsura	52 dated 26 December, 1998	2685(E) dated 10 December, 1998	255 dated 17 May, 1999	347(E) dated 17 May, 1999	29 May, 2000
		Dhulpuriya	52 dated 26 December, 1998	2685(E) dated 10 December, 1998	255 dated 17 May, 1999	347(E) dated 17 May, 1999	29 May, 2000
		Bhogadit	52 dated 26 December, 1998	2685(E) dated 10 December, 1998	255 dated 17 May, 1999	347(E) dated 17 May, 1999	29 May, 2000
		Devpuri	52 dated 26 December, 1998 362 dated 23 June, 1999	2685(E) dated 10 December, 1998 477(E) dated 23 June, 1999	255 dated 17 May, 1999 677 dated 15 November, 1999	347(E) dated 17 May, 1999 1098(E) dated 11 November, 1999	29 May, 2000
		Tihri	52 dated 26 December, 1998 362 dated 23 June, 1999	2685(E) dated 10 December, 1998 477(E) dated 23 June, 1999	255 dated 17 May, 1999 677 dated 15 November, 1999	347(E) dated 17 May, 1999 1098(E) dated 11 November, 1999	29 May, 2000
		Kalanada	52 dated 26 December, 1998 362 dated 23 June, 1999	2685(E) dated 10 December, 1998 477(E) dated 23 June, 1999	255 dated 17 May, 1999 677 dated 15 November, 1999	347(E) dated 17 May, 1999 1098(E) dated 11 November, 1999	29 May, 2000
		Balwanta	47 dated 21 November, 1998 488 dated 9 August, 1999 110 dated 22 February, 2000	2386(E) dated 17 November, 1998 636(E) dated 9 August, 1999 144(E) dated 17 February, 2000	274 dated 24 May, 1999 677 dated 15 November, 1999 431 dated 29 June, 2000	371(E) dated 24 May, 1999 1100(E) dated 11 November, 1999 611(E) dated 29 June, 2000	29 May, 2000
		Data	110 dated 22 February, 2000	144(E) dated 17 February, 2000	431 dated 29 June, 2000	611(E) dated 29 June, 2000	29 May, 2000

1	2	3	4	5	6	7	8
Ajmer	Ajmer	Jatiya	110 dated 22 February, 2000	144(E) dated 17 February, 2000	431 dated 29 June, 2000	611(E) dated 29 June, 2000	29 May, 2000
	Pisangan	Birach- gawas	797 dated 9 December, 1998	1055(E) dated 9 December, 1998	274 dated 24 May, 1999	370(E) dated 24 May, 1999	3 June, 2000
			488 dated 9 August, 1999	635(E) dated 9 August, 1999	677 dated 15 November, 1999	1101(E) dated 11 November, 1999	
			453 dated 24 July, 1999	597(E) dated 24 July, 1999			
			362 dated 23 June, 1999	477(E) dated 23 June, 1999			
		Cola	797 dated 9 December, 1998	1052(E) dated 9 December, 1998	255 dated 17 May, 1999	342(E) dated 17 May, 1999	3 June, 2000
		Doulat- Kheda	797 dated 9 December, 1998	1052(E) dated 9 December, 1998	255 dated 17 May, 1999	342(E) dated 17 May, 1999	3 June, 2000
		Jethane	797 dated 9 December, 1998	1052(E) dated 9 December, 1998	255 dated 17 May, 1999	342(E) dated 17 May, 1999	3 June, 2000
		Magaliya- was	797 dated 9 December, 1998	1052(E) dated 9 December, 1998	255 dated 17 May, 1999	342(E) dated 17 May, 1999	3 June, 2000
			362 dated 23 June, 1999	477(E) dated 23 June, 1999			
		Madho- garh	797 dated 9 December, 1998	1058(E) dated 9 December, 1998	255 dated 17 May, 1999	343(E) dated 17 May, 1999	25 May, 2000
			362 dated 23 June, 1999	477(E) dated 23 June, 1999			

[F. No. L-14014/12/01-GP]

SWAMI SINGH, Director

नई दिल्ली, 12 जुलाई, 2001

क्रा.आ. 1712.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है, कि नागोर में चेन्नई पेट्रोलियम कार्पोरेशन लिमिटेड कावेरी बेसिन रिफाइनरी तेल जेट्टी के माध्यम से तमिलनाडु राज्य में कावेरी बेसिन रिफाइनरी पणमगुडी तक कच्चे तेल के परिवहन के लिए, चेन्नई पेट्रोलियम कार्पोरेशन लिमिटेड (सी. पी. सी. एल.) द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित उस भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है जिसके नीचे उक्त पाइपलाइन बिछाने का प्रस्ताव है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए उक्त भूमि में उपयोग को अधिकार प्राप्त करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसके, भारत के राजपत्र में प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दी जाती है, की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने अथवा उक्त भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में लिखित रूप में आक्षेप, सूक्ष्म प्राधिकारी, चेन्नई पेट्रोलियम कार्पोरेशन लिमिटेड, कावेरी बेसिन रिफाइनरी, पणमगुडी, नागोर पोस्ट-611002, जिला नागपट्टीनम, तमिलनाडु को दे सकता है।

अनुसूची					
तालुक : नागपट्टीनम	जिला : नागपट्टीनम	राज्य : तमिलनाडु			
गांव का नाम	सर्वे संख्या	अनुमण्डल संख्या	क्षेत्रफल हेक्टेयर	एकड़	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
नागपट्टीनम	1083		0	15	0
नगरपालिका	2197		0	70	0
	2198		0	01	0
	2200		0	58	0
	2372		0	02	5
	2373		0	21	0
	2376		0	16	0
	2390		0	09	0
	2391		0	28	5
	2392		0	01	0
	2394		0	14	0
	2395		0	43	0
	2396		0	03	0
	2397		0	20	0
	1467		0	02	0
	1483		0	16	0
	1486		0	02	0
	1487		0	04	5
	1488		0	03	0
	1489		0	12	0
	1491		0	00	5
	1369		0	01	5
	1570		0	20	0
	1576		0	00	5
	1577		0	01	0
	1578		0	16	0
	1580		0	09	0
	1581		0	01	0
	1582		0	27	0
	1583		0	02	5
	योग		0	417	35
मुद्दम	96		0	29	0
	175		0	16	0
	176		0	09	0
	187	2	0	07	5
	189	11	0	03	0
	190		0	01	0
	216		0	14	5
	217		0	18	0

(1)	(2)	(3)	(4)	(5)	(6)
मुद्दम—जारी					
	218		0	18	5
	227		0	07	0
	228		0	37	0
	229		0	08	5
	योग		0	167	20
तेती	192		0	21	5
	194		0	20	5
	275		0	20	0
	276		0	20	0
	277		0	13	0
	281		0	28	0
	282		0	28	5
	283		0	21	0
	284		0	13	0
	292		0	02	0
	योग		0	186	15
वाडागुडी	80		0	47	5
	81		0	28	0
	89		0	03	0
	90		0	02	0
	100		0	18	0
	101		0	36	0
	102		0	18	0
	104		0	00	5
	108		0	26	5
	110		0	18	5
	111		0	38	0
	112		0	13	0
	113		0	08	0
	129		0	25	0
	130		0	20	0
	136		0	02	5
	181		0	25	5
	योग		0	327	30
उत्तमसोलापुरम	130		0	07	5
	163		0	30	0
	165		0	03	0
	योग		0	40	5

[फा. सं. आर-25012/2/2001-ओ.आर.-1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 12th July, 2001

S.O. 1712.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Crude Oil through Chennai Petroleum Corporation Limited Cauvery Basin Refinery Oil Jetty, Nagore to Cauvery Basin Refinery, Panangudi in the State of Tamil Nadu, pipeline may be laid by the Chennai Petroleum Corporation Limited (CPCL);

And whereas, it appears to the Central Government that for the purpose of laying said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the scheduled annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may within twentyone days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein or laying of the pipeline under the land to Competent Authority, Chennai Petroleum Corporation Limited, Cauvery Basin Refinery, Panangudi, Nagore Post-611002, Nagapattinam District, Tamil Nadu.

SCHEDULE

Taluk : Nagapattinam District : Nagapattinam State : Tamil Nadu

Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Acre	Sq. Mtr.
(1)	(2)		(4)	(5)	(6)
Nagapattinam Municipality	1083		0	15	0
	2197		0	70	0
	2198		0	01	0
	2200		0	58	0
	2372		0	02	5
	2373		0	21	0
	2376		0	16	0
	2390		0	09	0
	2391		0	28	5
	2392		0	01	0
	2394		0	14	0
	2395		0	43	0
	2396		0	03	0
	2397		0	20	0
	1467		0	02	0
	1483		0	16	0
	1486		0	02	0
	1487		0	04	5
	1488		0	03	0
	1489		0	12	0
	1491		0	00	5
	1569		0	01	5
	1570		0	20	0
	1576		0	00	5
	1577		0	01	0
	1578		0	16	0

	(1)	(2)	(3)	(4)	(5)	(6)
Nagapattinam Municipality (Contd.)	1580			0	09	0
	1581			0	01	0
	1582			0	27	0
	1583			0	02	5
	Total			0	417	35
Muttam	96			0	29	0
	175			0	16	0
	176			0	09	0
	187	2		0	07	5
	189	11		0	03	0
	190			0	01	0
	216			0	14	5
	217			0	18	0
	218			0	18	5
	227			0	07	0
	228			0	37	0
	229			0	08	5
	Total			0	167	20
Thethi	192			0	21	5
	194			0	20	5
	275			0	20	0
	276			0	20	0
	277			0	13	0
	281			0	28	0
	282			0	28	5
	283			0	21	0
	284			0	13	0
	292			0	02	0
	Total			0	186	15
Vadagudi	80			0	47	5
	81			0	28	0
	89			0	03	0
	90			0	02	0
	100			0	18	0
	101			0	36	0
	102			0	18	0
	104			0	00	5
	108			0	26	5
	110			0	18	5
	111			0	38	0
	112			0	13	0
	113			0	08	0
	129			0	25	0
	130			0	20	0
	136			0	02	5
	181			0	25	5
	Total			0	327	30
Uthamasolepuram	130			0	07	5
	163			0	30	0
	165			0	03	0
	Total			0	40	5

भ्रम मंत्रालय

नई दिल्ली, 25 जून, 2001

का०आ० 1713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं. एल-33012/4/97-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi the 25th June, 2001

S.O.1713.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 25-6-2001.

[No. L-33012/4/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 21st May, 2001

Present : K. KARTHIKEYAN,
PRESIDING OFFICER**INDUSTRIAL DISPUTE NO. 500/2001**

(Tamil Nadu State Industrial Tribunal I.D.No. 85/98)

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Claimant, Dr. Ambedkar Madras Port Trust Dock Labour Board and the Management, The Chairman, Madras Port Trust, Madras.)

BETWEEN

The General Secretary, : I Party/Claimant
Dr. Ambedkar Madras Port
Trust Dock Labour Board,
Madras.

AND

The Chairman, : II Party/Management
Madras Port Trust, Madras.

Appearance:

For the Claimant : S/Sri K. Raja & Marimuthu
Advocates
For the Management : R. Arumugham,
Advocate

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-33012/4/97/IR(M) dt. 28-05-1998 :—

“Whether the action of the Management of Madras Port Trust in deducting the pay and allowances of Shri D. Elumalai, Syrang, Marine Department for 3 days i.e. 18-10-1995, 19-10-1995 and 20-10-1995 is justified? If not, to what relief the workman is entitled?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 85/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt. this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D.No. 500/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 7-3-2001.

3. When the matter was taken up for enquiry 7-3-2001, the counsel on either side and both the parties were not present. So the case was adjourned to 19-3-2001. On that day, the counsel for the II Party alone was present. So the case was adjourned from that date to 4-4-2001, 27-4-2001 and finally to this date on 21-5-2001.

4. When the matter was taken up for enquiry today both the parties remained absent. The counsel for the II party alone is present. The counsel for the I Party is not present. There is no representation on the side of the I party. This case has been referred as industrial dispute for adjudication by this Tribunal by the Govt. of India, Ministry of Labour as early as 28-5-1998. The inaction of the I Party/claimant Union by their non-appearance and non-representation enables this Tribunal to conclude that there is no industrial dispute as such now existing between the parties, Hence, this industrial dispute is dismissed for default and non-representation.

5. In the result, an award is passed holding that ‘No dispute’ exists between the I Party/Claimant Union and the II Party/Management and the reference is closed as dismissed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 25 जून, 2001

का०आ० 1714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एण्ड नैचुरल गैस कमिशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-06-2001 को प्राप्त हुआ था।

[सं. एल-33012/30/89-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O.1714.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management Oil & Natural Gas Commission and their workman, which was received by the Central Government on 25-06-2001.

[No. L-33012/30/89-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE SHRI KESHAV SARAN SRIVASTAV,
PRESIDING OFFICER: CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL,
NEW DELHI
LD.NO. 14/90**

Sh. Netar Ram,
S/o Shri Munshi Ram,
C/o Sardar B.S.Duggal,
Nadikinara, 7-A, Chekrata Road,
Dehradun-248001

Versus

The Chairman,
Oil & Natural Gas Commission,
Tel Bhawan,
Dehradun

AWARD

The Central Government in the Ministry of Labour has sent this reference under sections 10 (1) (d) and 2(A) of Industrial Disputes Act, 1947 vide Order No. L-30012/30/89-IR. (Misc) dated 25-1-90 for the adjudication of Industrial Dispute raised on behalf of the workman on the following terms:—

“Whether the action of the Management of ONGC, Dehradun, in terminating the services of Shri Netar Ram, S/o Shri Munshi Ram, Contingent Guard, with effect from January, 1984 is justified, if not, what relief the workman is entitled to?”

2. The Statement of Claim, WS & Rejoinder were exchanged between the parties and the case reached at the stage of Management Evidence. Due to non-appearance of the workman in the case for a long time. The Management Evidence could not be completed.

3. Now this application dated 22-5-2001 has been given by Sh. R. Goyle, Authorised Representative of the workman stating that he had lost contact with the workman for the last more than six years he has now been given the information that the workman namely Sh. Netar Ram had died long back in his native village in the State of Himachal Pradesh. Thus it is prayed that proceeding of the case be closed.

4. On behalf of the management vide endorsement on the application it is not objected.

5. In view of the fact the prayer of the Authorised Representative of the workman is accepted and a No Dispute Award is given in the case.

K. S. SRIVASTAV, Presiding Officer

18th June, 2001

नई दिल्ली, 25 जून, 2001

का०आ०1715.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रेल कोच फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ब्रम न्यायालय

चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-06-2001 को प्राप्त हुआ था।

[सं. एल-41012/95/89-आई.आर.(डीयू)/(बी-आई)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th June, 2001

S.O.1715.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rail Coach factory and their workman, which was received by the Central Government on 22-06-2001.

[No. L-41012/95/89-IR(DU)/(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI B.L. JATAV, PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH.**

CASE NO. ID 69/90

Avtar Singh Son of Shri Joginder Singh
V.P.O. Iban, Distt. Karupthala (Pb.) Workman.

Vs.

General Manager,
Rail Coach factory,
Kapurthala (Pb.) ... Management.

Appearances

For the workman : Shri S.S. Bains

For the Management : Shri N.K. Zakhmi

AWARD

(Passed on dated 1-5-2001)

The Central Govt. vide gazette notification no. L-41012/95/89/IR(DU) dated 17th May 1990 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of G.M. Rail Coach Factory in terminating the services of Shri Avtar Singh, Ex. Khalasi vide their letter dated 2-12-1988 is justified? If not, to what he is entitled to and from what date?”

2. The claim of the workman in brief is that his land was acquired by Rly. administration for the construction of Rail Coach Factory at Kapurthala and consequently he became the oustee of that land. The Rly. Admn. appointed him as casual labourer w.e.f. 1-9-1987 at Rail Coach Factory, Cement Godown, Kapurthala. Thereafter he was promoted as semi skilled khalasi w.e.f. 14-2-1988 and subsequently he was screened as regular khalasi on 23-2-1988. He was getting his salary in the scale of Rs. 800—1150.

3. His services were terminated illegally by the management though he had worked for 360 days in Rail Coach Factory. No chargesheet was given to him and no enquiry was held by the management. The provisions of Section 25-B & F of I.D. Act, 1947 were not complied with by the management. The opportunity of being heard were not given to the workman.

4. The services of the workman were terminated on the ground of the commission of the offence of theft of cement bags. He was prosecuted for that offence alongwith another employee Shri Inderjeet Singh. The offence was registered by

the police against both of them. The termination of Shri Inderjit Singh from service has been set aside by Central Admn. Tribunal. Therefore, the claim of the workman is also considerable. The junior persons are still in the service of the Rly. The termination of the services of the workman is arbitrary and contrary to law. Therefore, the claim of the workman be allowed and the management be directed to reinstate him in service with continuity of service and full backwages and other incidental benefits.

5. The management has filed its written statement in which it has been alleged that the workman and other employee Inderjit Singh had drawn cement on fake indent from Rly. store and they were caught red handed while selling the cement unauthorisedly outside the Rail Coach Factory Campus. F.I.R. was lodged against them and the case was registered by police depts. U/S 3 of Rly. Property Unlawful Possession Act. Due to this reason the services of the workman were terminated by the management.

6. The management has contended that the workman was employed in Rail Coach Factory as casual khalasi being oustee of land and was granted temporary status. His services were never regularised by the management. Due to theft case, the workman was not worthy of confidence and it was not desirable to retain him in service. Being a temporary employee the enquiry was not held against him and one month pay was given to him in lieu of notice of one month. The management has not violated the principle of natural justice and the provision of Industrial Disputes Act, 1947. After his termination of service he remained gainfully employed, therefore, the claim of the workman be dismissed with heavy cost.

7. The workman has filed replication in which he has reaffirm the allegations made in the claim statement.

8. The following facts are admitted in this case.

(a) The workman was an oustee of his land which was acquired for the construction of Rail Coach Factory at Kapurthala.

(b) He was appointed by the management as casual labourer w.e.f. 1-9-1987.

(c) Services of the workman were terminated without holding departmental enquiry.

9. The workman has submitted his affidavit Ex. W1 and other documents relating to his service record which has been exhibited as W2 to W6. The management has submitted the affidavit of Senior Engineer Shri P.K. Goyal and Asst. Engineer G.S. Virdi which have been exhibited as Ex. M1 and M2 respectively. The management has submitted documents Ex. M3 to M5. The workman has been cross-examined by the management and he has denied all the facts put up in his cross-examination by the management. The witnesses of the management have been cross-examined by the rep. of the workman. Shri P.K. Goyal MW1 has deposed that the workman and Inderjit Singh were prosecuted for the charge of theft. The services of Inderjit Singh were also terminated by the management. His termination has been set aside by the Central Admn. Tribunal and now he is under suspension. The order of the C.A.T. has been exhibited as Ex. W8. The workman has also submitted the certified copy of the criminal case in which workman alongwith other accused were acquitted of the charge of theft by Chief Judicial Magistrate Kapurthala.

10. Ex. W2 is the appointment letter vide which the workman was appointed as temporary khalasi in the scale of

Rs. 750-940. As per Ex. W5, the workman had completed 360 days on 4-1-1988. As per Ex. W6, he was promoted to the post of semi-skilled in grade 800-1150 on *ad hoc* basis. Thus it has been proved that on the date of termination of his services he was working as semi-skilled khalasi in regular scale. The temporary status was given to him by the management. On perusal of the Ex. W10 it is evident that the services of the workman were terminated under Rule, 301 of Indian Rly. Establishment Code and relevant rules of I.D. Act 1947. On going through Rule 301 it is noticed that the services of the workman could not be terminated without holding any departmental enquiry and without giving him any opportunity of being heard, about his misconduct. It is evident from the perusal of the record that the retrenchment compensation was not paid to him under the provisions of Section 25-F of the I.D. Act 1947. Thus it has been amply proved that the termination of the services of the workman was arbitrarily and against the services Rules and provisions of the I.D. Act.

11. The copy of the judgment of C.A.T. Chandigarh has been exhibited as Ex. W8. By this judgment the termination of the services of Inderjit Singh was set aside and he was reinstated in service. The management was also directed to pass a fresh order of suspension and to proceed further in a court of law or departmentally against Shri Inderjit Singh. The finding of C.A.T. is not binding on this Tribunal even though dual mode of direction could not be issued by this Tribunal when the case of workman and Inderjit Singh were similar. Under these circumstances, it is not desirable by this Tribunal to hold enquiry itself.

12. Keeping in view the discussions made above, this Tribunal comes to the conclusion that the termination of the services of the workman vide letter dated 2-12-1988 is not justified. Therefore, the reference is answered by holding that the action of the management of Rail Coach Factory in terminating the services of Shri Avtar Singh Ex-Khalasi vide their letter dated 2-12-1988 is not justified. Therefore, he is entitled to be reinstated in service on the date of termination of his services, with continuity of service. He shall be entitled to get 50% of the back wages and other consequential relief. The management will be at liberty to hold enquiry under departmental rules against the workman if it thinks proper to do so. Both parties shall bear their cost, of these proceedings. Appropriate Govt. be informed.

Chandigarh.

1-5-2001.

B.L. JATAV, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ. 1716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसूर निरिस्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं. एल-29012/39/94-आई.आर. (विधि)]

जी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby

publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Mysore Minerals Ltd, and their workman, which was received by the Central Government on 25-6-2001.

[No. L-29012/39/94-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

DATED : 30th May, 2001

PRESENT : Hon'ble Shri V. N. Kulkarni B.Com LLB
Presiding Officer

C.R. NO. 797

I PARTY

The General Secretary,
Mysore Minerals Ltd.,
Employees Union,
M. G. Road,
Bangalore-560001
Advocate—
Shri Shivarama

II PARTY

The Chairman and Managing
Director Mysore Minerals
Ltd., No. 39, M. G. Road,
Bangalore.
Advocate—
Shri R. Sharathchandra

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-29012/39/94-IR (Misc) dated 16th December, 1994 for adjudication on the following schedule :

SCHEDULE

"Whether the action on the part of the management of Mysore Minerals Limited in not regularising the services of the workman Shri J. G. Chandrappa as regular Monthly rated Mine Mate with effect from 1-2-1990 is justified ? If not to what relief the employees is entitled to ?"

2. First party appeared and filed Claim Statement. The case of the first party union is that the workman Shri J.G. Chandrappa joined the second party management on 6-9-85 and the management extracted the work from him and he was designated as Mate Assistant. But he was not regularised. Therefore the first party union has prayed to pass award in its favour.

3. Second party appeared and filed counter contending that the workman was working as a daily rated employee and there is no merit in this dispute. The demand of the workman to consider him as monthly rated workman cannot be conceded as per the bank policy. Management has prayed to reject the reference.

4. It is seen from the records that there after parties did not appear and participated in the proceedings. Many adjournments were given but parties remained absent. Therefore I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th May 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ. 1717.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मूण रोक ऐजिस प्राइवेट लिमिटेड के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं. एल-29012/49/96-आई. आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1717.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Moon Rock Ages, Pvt. Ltd, and their workman, which was received by the Central Government on 25-6-2001.

[No. L-29012/49/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI
WEDNESDAY, THE 30TH MAY, 2001

PRESENT :

K. KARTHIKEYAN, PRESIDING OFFICER
INDUSTRIAL DISPUTE NO. 410/2001

(Tamil Nadu State Industrial Tribunal I.D. NO. 99/96)

(In the matter of the dispute for adjudication under Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Workman Shri N. Rajarathinam and the Management, M/s. Moon Rock Ages. Pvt. Ltd., Bangalore).

BETWEEN

Shri N. Rajarathinam : I Party/Workman

AND

The Managing Director,
M/s. Moon Rock Ages.
Pvt. Ltd. Bangalore
: II Party/ Management

Appearance :

For the workman : M/s. S. Muthukrishnan
& S. Elangovan,
Advocates

For the Management : M/s. S. Navaneetha
Krishnan and
S. Kadarkarai, Advocates

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following disputes for adjudication vide Order No.L-29012/49/96-IR(M) dt. 13-11-1996 :

"Whether the action of the Management of Moon Rock Ages Pvt. Ltd., Bangalore in denying employment to the workman Shri N. Rajarathinam with effect from 24-11-1995 is justified? If not, to what relief is he entitled?"

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 99/96. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt. this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 410/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 22-02-2001.

3. When the matter was taken up for enquiry on 22-2-2001, the counsel on either side were not present and both the parties were also absent. Hence, the case was adjourned to 8-3-2001. On that day the counsel for the II Party alone was present. Both the parties and the counsel for the I Party remained absent. Since the counsel for the II Party informed the Court that the II Party has no document and the II Party relies upon the document filed by the I Party himself. So the case was adjourned to 26-2-2001 finally for enquiry. As the Presiding Officer was holding Camp Court on that day, the case was adjourned to 18-4-2001. On 18-4-2001, and 14-5-2001, to which dates the case was adjourned for enquiry, both the parties and their respective counsel were not present and there was no representation on either side hence, the case was finally adjourned to 30-04-2001 since it happens to be an old case referred for adjudication by the Ministry by its order dated 13-11-1996.

4. When the matter was taken up for enquiry to day, i.e. 30-05-2001, as usual both the parties remained absent. The counsel appearing on either side also are not present. There is no representation on either side. The inaction of the I Party/Workman by his non-appearance and non-representation, ever since the case has been transferred to the file of this Tribunal for adjudication from the month of February, 2001 enables this Tribunal to conclude that there is no industrial dispute as such now existing between the parties. Hence, this industrial dispute is dismissed for default and for non-representation.

5. In the result, an award is passed holding that 'No dispute' exists between the I Party/Workman and the II Party/Management and the reference is closed as dismissed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ.1718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसूर मिनेरल्स लिमिटेड के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के संघटन को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं. एल-29012/103/94-आई.आर. (विनिधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mysore Minerals Ltd. and their workman, which was received by the Central Government on 25-6-2001.

[No. L-29012/103/94-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
'SHRAM SADAN', III MAIN, III CROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated : 12th June 2001

Present : Hon'ble Shri V. N. Kulkarni, B. Com.
LLB, Presiding Officer
C.R. NO. 31/97

I PARTY

The General Secretary,
Mysore Minerals Ltd.,
Employees Union,
No. 39, M. G. Road,
Bangalore-560 001

(Advocate—
G. Sreramaiah)

II PARTY

The Managing Director,
Mysore Minerals Ltd.,
No. 39, M. G. Road,
Bangalore-560 001

(Advocate—
Shri. T. Putta Swamy)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-29012/103/94-IR (Misc) dated 10-4-1995 for adjudication on the following schedule.

SCHEDULE

"Whether the denial of promotion to the workman Shri Nagesha as Minemate w.e.f. 1-10-98 by the management of Mysore Minerals Ltd. is justified? If not, to what relief the workman is entitled?"

2. The First party workman is working with the Second party management. He is denied promotion therefore dispute is raised.

3. First party appeared and filed Claim Statement. The case of the first party in brief is as follows :

4. The main grievance of the first party is that during the pendency of the conciliation proceedings the management has promoted the workman as a minemate, but however it has been given retrospectively w.e.f. 1-10-88 and even the monetary benefits also has not been extended. The first party workman is legally entitled for promotion as Minemate from 1-10-88 and some of his

juniors have already been promoted w.e.f. 1-10-88. The action of the management in denying promotion to him is not correct. For all these reasons the first party has prayed to pass award in his favour.

5. The second party appeared and filed Counter.

6. The case of the second party in brief is as under :

7. The case of the second party is that the first party is not entitled to the reliefs sought for by him in this dispute.

8. It is the further case of the management that first party workman is not entitled for monetary benefits. The action of the management is correct. The first party workman was promoted as a Blas...r w.e.f. 1-1-83 and on his acquiring of Mine Mates certificate of competency and having regard to his seniority he was promoted as Mine Mate with effect from 27-12-1995 with the benefit of pay scale, and not with the alleged retrospective effect from 1-10-1988 as claimed by the first party. The first party was not eligible for promotion. This dispute has no merit. Therefore Second party has prayed to reject the reference.

9. It is seen from the records that even after giving many adjournments first party was absent. Thereafter management examined one witness. MW1 is the management witness. Various documents are marked in his evidence. He is not cross examined. Evidence was closed and arguments were heard.

10. At the very outset I am of the opinion that there is not an iota of material placed by first party to say that he is entitled for promotion and benefits respectively. According to management witness there are recruitment rules and there is seniority list. MW has stated that first party workman is not entitled for promotion as claimed because he is not senior and he has not fulfilled the required qualification. I have carefully perused seniority list and recruitment rules.

11. Taking all this into consideration I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 12th June 2001)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 26 जून, 2001

का.आ.1719 .— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नुआसाही क्रोमाइट माइन्स के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2001 प्राप्त हुआ था।

[सं. एल-29012/122/98-आई.आर. (विधि)]

बी. एम. बेविड, अवर सचिव

New Delhi, the 26th June, 2001

S.O. 1719.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubneshwar (Orissa) as shown in the Annexure, in the Industrial Dispute between the employers in relation to the Nuasahi Chromite Mines, and their workmen, which was received by the Central Government on 26-6-2001.

[No. L-29012/122/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT : BHUBANESHWAR

Present : Shri S.K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-
Labour Court, Bhubaneshwar.

Industrial Dispute Case No. Tr. I.D. 218/2001
Bhubaneswar, the 6th June 2001

Between :

The Management of Nuasahi Chromite
Mines, Rasulgarh, Bomikhal,
Bhubaneshwar.

... First Party
Management.

AND

Their Workman Smt. Sakhi Naik
At/Po. Kupari, Balasore.

... Second Party
Workman

APPEARANCES :

None ... For the First Party
—Management

None ... For the Second Party
—Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute for adjudication vide their Order No. L. 29012/122/98/IR (M), dated 13-1-1999 :—

“Whether the action of the Management of Nuasahi Chromite Mines of IMFA Ltd. in terminating the services of Smt. Sakhi Naik, Mazdoor without any charge and violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is justified and legal ? If not, to what relief the workman is entitled to” ?

“Whether the demand of the workman Smt. Sakhi Naik on Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full backwages is justified ? If not, to what relief the workman is entitled” ?

2. While making reference the Government of India (Ministry of Labour) has intimated the parties to file their

respective Claim Statement and Written Statement, List of documents and List of witnesses before the Tribunal within 15 days from the date of receipt of the order of reference. The Tribunal also intimated both the parties to take part in the proceeding. This Tribunal has also issued notices to both the parties but they fail to attend.

3. The above circumstances, suggest that presently no disputes exists between the parties and the workman has got no cause of action and She is not entitled for any relief.

4. Hence, the reference is answered accordingly,
Dictated and Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 26 जून, 2001

का०आ० 1720.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2001 को प्राप्त हुआ था।

[सं. एल-30011/3/2000-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 26 June, 2001

S.O. 1720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the ONGC Ltd. and their workmen which was received by the Central Government on the 26-6-2001.

[No. L-30011/3/2000/IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 30th May, 2001

PRESENT :

K. Karthikeyan—Presiding Officer

Industrial Dispute No. 19/2000

(In the matter of dispute for adjudication under Section 10(1)(d) and Sub-section (2A) of the Industrial Dispute Act, 1947 between the Workmen and O.N.G.C. Ltd. Cauveri Project, Karaikkal, Management.)

BETWEEN

The General Secretary, : Claimant/I Party
Petroleum Coal Labour Union,
Thanjavur.

AND

- | | |
|---|-------------------------|
| 1. The Dy. General Manager (P & A),
ONGC Ltd. Cauveri Project,
Neravei, Karaikkal. | Management/
II Party |
| 2. The Regional Director,
ONGC Ltd. Chennai. | |
| 3. Shri V. Anbazhahan,
Karaikkal. | |

4. Shri G. Kaliaperumal,
P. Kothagai.
5. M/s. ESKAY Electricals,
Nagapattinam.
6. M/s. Electrical India,
Nagapattinam.

APPEARANCE:

For the Claimant

....M/s. R.Ganesan &
V. Gangadharan,
Advocates

For the Management.....

Shri P. Arulmudi, Advocate for
1 and 2 For 3 to 6 : None

REFERENCE : Order No.L-30011/3/2000/IR(M) dt. 29-5-2000,
Govt.of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 15-5-2001, upon perusing the reference, Claim Statement, Counter Statement and other material papers on record, the oral and documentary evidence let in on either side and upon hearing the arguments of the counsel for Union Shri R. Ganesan and the counsel for the Management Shri Arulmudi and this dispute having stood over till this date for consideration, this Tribunal passed the following:—

AWARD

This reference by the Central Government in the exercise of powers conferred by clause (d) of Sub-section 1 and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, in respect of dispute between the Workmen and the Management of ONGC Ltd., Neravei, Karaikkal, mentioned as schedule appended to the order of reference.

The Schedule reads as follows:—

“Whether the action of the Management of ONGC in not regularizing the services of 125 contract workers (as per annexure A) is justified? If not, to what relief the workmen are entitled?”

The facts of this industrial dispute between the I and II Party are briefly as follows:—

The General Secretary, Petroleum Coal Labour Union . Thanjavur. Claimant/I Party (hereinafter referred to as Petitioner) has raised the industrial dispute, in question for regularizing 125 contract workers by the Management of Oil & Natural Gas Commission, Cauveri Project, Neravei, Karaikkal. When the conciliation talks were held before the Asstt. Labour Commissioner (Central), II Party No. 3 to 6 who are contractors and the Management II Party 1 and 2 were impleaded. As the conciliation ended in a failure the Asstt. Labour Commissioner (Central) submitted a failure of conciliation report to the Government. The Central Government in turn was pleased to refer this dispute for adjudication to this Tribunal under the above said order of reference. The Workmen mentioned in the Annexure ‘A’ to the reference are the Members of the Petitioner Union. They are working in the concern, ONGC Ltd. Neravei, Karaikkal under the Management of Respondents 1 and 2 through the Contractors, who are Respondents 3 to 6 for so many years. All these workmen are having requisite educational as well as professional qualifications, as they are continuously working for years together in the Respondent/ Management concern, they have crossed the prescribed age for employment elsewhere and hence they cannot get any employment opportunity anywhere. The Central Government in the Notification dated 8-9-94 abolished the labour system adopted by the ONGC in 13 categories of labour. Evenafter the

abolition of contract labour system, the 1st and 2nd Respondent did not abolish the contract labour system. Therefore, the union made a demand on the Management for abolition of contract system of labour and regularization of the concerned workmen. The Union gave list of 125 workers in the dispute before the conciliation officer. Some of the workers filed separate Writ Petition in the High Court of Madras. As the management of ONGC sought to have oust the concerned workmen, the Petitioner Union have to file W.P. 4699/96 in the High Court of Madras and obtained an injunction restraining the Respondents from stopping from service. As many workers filed individual Writ Petitions, the names of those workers were deleted from the list Annexure 'A' and the Petitioner Union is confined to pursue the dispute only in respect of 12 workers mentioned in the memo filed by the Petitioner Union. For the above 12 workers, 8 workers were employed as electricians and others are Drivers. The other drivers have already filed writ petition in the High Court for regularization of their service as per notification of the Central Government and that result is duly applicable to the drivers. After the abolition of contract labour by the Government on 8-9-94, the 1 Respondent had changed the designation mentioned in the identity cards of the workmen as contract labour. It is an unfair labour practice. The work, these employees are doing is of permanent nature and continuous. They worked for 12 hours per day and on holidays and festival holidays. The Respondent 1 and 2 Management had indulged in engaging these workmen as contract labourers. It is against the principle of law and amounts to unfair labour practice. The Respondent 1 and 2 Management cannot have right to continue such procedure in engaging the workmen for their concern. The Respondent 1 and 2 Management have to regularize the services of these workmen as per law. Only to evade regularization of these workmen, the Respondent 1 and 2 Management with bad intention indulged in engaging the workmen as contract labourers, which is against the provisions of Industrial Law. So, the Petitioners have to be regularized in the service of the Respondent 1 & 2 Management, and the consequential monetary benefits have to be given to these 12 workmen.

2. The II Party 1 and 2 - Management of ONGC Ltd., only are contesting this industrial dispute as Respondents 1 and 2, the other four persons, who are contractors have not chosen to take part in this case and they remained absent. The Claim of the Petitioner Union, on behalf of the 12 workmen is being disputed by the Respondent 1 and 2 Management. Their contention in the Counter Statement is briefly as follows:-

The 1 Respondent is Government of India company under the Ministry of Petroleum and Natural Gas, Government of India, New Delhi, having various work centres/offices and regions spread over throughout India. As per the directions received from the Headquarters office/Govt. of India, construction work is undertaken for exploration and exploitation of Hydrocarbons. The workmen now represented by this I Party/Union, are not at all workmen employed by the Respondent Corporation continuously. The Respondents 3 to 6 are contractors of ONGC and they have been entrusted with the work of corporation to attend to the same within stipulated and specific mutually agreed period. In order to attend to the project work, written contract agreements were entered into between the Respondent/Management with the contractors only for two years. The project work entrusted under written contract has to be finished within stipulated period of two years. After expiry

of two years, there is no obligation much less any contractual obligation under the said project. Therefore, the Respondent/Management need not provide any regular employment to the concerned workmen, since the nature of work is merely project work and not perennial in nature. Basically the nature of work involves job contract which envisages accomplishment of work as per the technical specification. The job does not exclusively speak about deployment of manpower alone and includes completion of work with aid and assistance of external resources including machine power whenever required. The Petitioners' Union Members have been employed by the 3, 4, 5 and 6th Respondents pursuant to a job contract dated 29-9-95, 30-11-94, 1-2-96, 1-2-96 respectively. In these contracts, the remuneration payable to the 3, 4, 5 and 6th Respondents is based on the total contract which includes cost of material, cost of machine. There is no nexus between the 1st Respondent/Management and the workmen in terms of agreement. At no point of time, the 1st Respondent deals directly with the concerned workmen in respect of remuneration, discipline, appeal and punishment, employment and non-employment. The concerned workmen of 3, 4, 5 and 6th Respondent were received their remuneration directly from them. Therefore, the relief sought for by the Petitioner Union, on behalf of the concerned workmen cannot be granted by this Tribunal as an Award.

3. When the matter was taken up for enquiry, the General Secretary of the Petitioner Union and one workman Shri J. Mohammed Sulaiman were examined as WW1 and WW2 respectively. On the side of the Management, Industrial Relations Officer, Shri Mohan Raj was examined as MW1. On the side of the Petitioner exhibits W1 to W8 were marked and on the side of the Management only one exhibit as M1 was marked. The arguments advanced by learned counsel on either side were heard.

4. The point for my consideration is "whether the action of the Management of ONGC in not regularizing the services of 125 contract workers (as per annexure A) (now restricted to 12 workmen as per the memo filed by 1st Party Union) is justified? If not, to what relief the workmen are entitled?"

Point :

The contractors shown as Respondents 3 to 6 in the Claim Petition remained ex-parte. The Management Respondent 1 and 2 only have filed their Counter Statement disputing the claim of the Petitioner/Union. Though initially, the Petitioner union was espousing the cause of 125 workmen, when the matter was taken up for enquiry the General Secretary of the Petitioner Union had filed a memo informing this Tribunal that the Petitioner/Union is restricting its claim in this industrial dispute in respect of the 12 named workmen in the memo. So, at present, the industrial dispute as referred to by the Ministry of Labour, Govt. of India for adjudication by this Tribunal has been restricted to only 12 concerned workmen.

5. Out of the 12 concerned workmen 8 are employed as electricians and others are as drivers. On behalf of the 8 workmen who are electrician one Sulaiman was examined as WW2 and the General Secretary of the Union one Shri Santhanam was examined as WW1. The learned counsel for the Petitioner Union had advanced an argument that the 1st Respondent Oil & Natural Gas Commission is the Principal employer having its project at Neravi as Cauveri project and all the 8 workmen electricians, hold licence to work as electrician and the said work is of permanent nature and is continuous. They worked 12 hours per day and worked on holidays and festival

holidays. As per the evidence of WW2, their work is supervised by Superintending Engineer and Deputy Superintending Engineer of ONGC and these people worked along with the permanent workers of ONGC in electrical group gathering station and effluent treatment plants. Their work is an integral part of the main work of ONGC and WW2 have also deposed that their salary is paid only after getting it from the principal employer. In the oil exploration of work of ONGC, oil and gas are extracted in group gathering station, Narimanam Cauvery Project. Oil is stored in tanks and is pumped to M.R.L. For that purpose workers are employed. Contract labourers attend to storage motors, pumping motors, fire safety motors, street light faults, look after generators, room lights and fans. This is not project work like rigs. This is of permanent nature.

It is not disputed that ONGC was principal employer of the workmen concerned. MW1 has admitted that ONGC is the principal employer and the Contract Labourers Act applies. Though it is said that they are changing the contractors, his evidence is that the workers are not changed. So their work is continuous and permanent nature. Under section 10 of contract labour (Regulation and Abolition Act) contract labour system is liable to be abolished, if nature of work is permanent and continuous. The Central Govt. have already abolished the contract labour system in 13 categories. Because of the interim order of the High Court, the Management is having the same contract and labourers and have not been terminated from service. As per the contention of the Management, when there is no master and servant relationship between the I Respondent Management and the concerned workmen there is no reason for not terminating the contract labourers. It amounts to acceptance of master and servant relationship to the contract workers. ONGC has not obtained any licence under Contract Labour (Regulation and Abolition) Act. The workers were given identity card in the beginning and it is also produced. It is the duty of the contractor to the principal employer to maintain register for wages and the number of days worked. Muster rolls were maintained in the beginning, later it was given up. Though the workmen were designated as technicians earlier, it was changed by ONGC as contract labourers. Certificates of work were also given by the ONGC. The Management has disciplinary control over the contract labourers and they have power to send them out. They have control over payment of wages also. The work of the contract labourers being permanent and continuous, it is imperative that their services should be regularized. As per the decision of the Supreme Court on abolition of contract labour system by necessary implication, principal employer is under statutory obligation to absorb contract labour that the workmen who had served 240 days of service should be absorbed. Hence, the concerned workmen are entitled to be regularized as the work is of permanent in nature and it is continuous. Once the workers are required to work under the supervision of the ONGC officers and as the workers have to be paid under direction of ONGC, the master and servant relationship is established. Considering all these things which are in favour of the concerned workmen the Tribunal can pass an award holding that the concern contract workers are entitled for regularization and absorption in their service.

6. The learned counsel for the Respondent/Management would argue that the concerned workmen are not the workmen of Respondent 1 and 2 Management and they have not been engaged by the ONGC management. The concerned workmen

are employed for the regular work of ONGC through various contractors has not been substantiated by any evidence, and in the absence of any such proof, the claim of the concerned workmen for regularization is untenable. The respondent ONGC Management has its own recruitment regulations and the posts specified therein are to be filled up only in accordance with the regulations. The Respondents 3 to 6 were contractors, who were provided with contractors service for specified work in the project and the contract is time bound subject to availability of work and it is not perennial and the engagement of labour was left to the discretion of the licensed contractors. The labourers were not employed by the ONGC management. The Respondent Management did not engage or exercise control over the contract labourers. The contractor only had such control over the concerned workmen, provided they were in his employment. The concerned workmen have not established the nature of employment, period of employment, alleged supervisory control and they have not filed any documentary proof to show that they were engaged by ONGC for regular work. They have also not established the perennial nature of work. On the contrary, there are regulations governing recruitment to posts in the ONGC and the work entrusted to the contractors is only based on the deed and for specified duration. The plea that the concerned workmen are engaged for long years have not been proved. No evidence has been produced in support of their claim. Moreover, the nature of work, the concerned workmen were attending cannot be comparable to the work in regular establishment. Though there is no work, the concerned workmen are continuing by virtue of interim order granted by the High Court of Madras against their termination. Hence, this Tribunal may pass an award holding that the concerned workmen are not entitled to the relief as claimed.

7. The perusal of the oral evidence as well as documentary evidence let in on either side, go to show that nothing is available as proof to conclude that the concerned workmen have been directly employed by the Respondent/Management ONGC Ltd. It cannot be disputed that the Management ONGC Ltd. has its own recruitment regulations and only in accordance with those regulations, the permanent posts in the ONGC Ltd. Management can be filled up. Respondents 3 to 6 are contractors under the Respondent Management ONGC Ltd. There is evidence to that effect available in this case that these concerned workmen employed as electricians and drivers have been employed through contractors. Respondents 3 to 6. It is the evidence of WW1 that one Saravana Mohan one among the present 12 concerned workmen was doing electrical operator work under the contractor and he was getting monthly salary from the contractor. It is his further evidence that he has not submitted any document to show that he was drawing monthly salary. He further adds that the said workman was working as assistant to permanent employee in the Generator Operator Section of ONGC. And he does not know personally as to who gave instructions to the concerned workman to work as the helper to the permanent employee of generator operator section of ONGC. The said Saravana Mohan has not been examined as witness here. It is the further evidence of WW1 that Saravana Mohan was employed as such for 8 years. It is his admission that he has not filed any documents in support of the said averment. It is his further evidence that Uthrapathy, Rajkumar were also worked under the contractor Electrical India for 8 and 7 years

respectively. It is his further evidence that the workmen M. Vellaichamy, Seranandham, Mohammed Sulaiman, (WW2) have worked for 7 years under the contractors. The workmen Vedamoorthy, Tholhappian, S. Raju, S. Gunasekaran, M. Mahendran, P. Muralidharan were also worked under the contractor for number of years but they have not filed any document to show about their years of service. Though it is his evidence that the ONGC Management has paid salary directly to these workmen, it is his evidence that they have not produced any documents to that effect. WW2 Mohammed Sulaiman, one among the concerned 12 workmen had admitted in the cross examination that he had not given any particulars as he has mentioned it as evidence to WW1 the General Secretary while filing the Claim Petition. He has not filed any document in Court to show that he was working in the electrical department in the ONGC. A temporary pass issued to WW2 on 18-10-95 and pass no 910 by the Security section of ONGC upto 17-1-96 has been filed as Ex. W8. It was renewed from 22-4-96 to 21-7-96. It is his evidence that though there was a change in the contractor he used to work continuously. A perusal of the temporary pass Ex. W8 shows that in the column "status" what was written earlier was covered with whitener and on that it is written as 'contractual worker'. So from all these available documentary evidence as well as oral evidence of WW1 and WW2, it is seen that these concerned 12 workmen have worked as contractual labourers under the contractors of the Respondent/Management ONGC Ltd. The Management witness has stated clearly in his evidence that Ex. M1 is a communication sent by M/s. Vivek Enterprises to the Management wherein they have stated that the workman Sri S. Gunasekaran, Mahendran, P. Muralidharan have already left their services and these three workmen are not working under their contract. He has also produced the prescribed recruitment procedure to be followed by ONGC for the recruitment of different posts. It is his further evidence that there is no post in the Management for recruitment of workmen as helper or assistant to the permanent employee in the generator operating section or as helper to the permanent employee of instrumentation technician. No such helper or assistant is working in those sections under any contractor as a contractual labourer in the ONGC. It is his further evidence that the work of ONGC is not permanent in nature in a particular project work and that the ONGC Management used to move from one project to another for this oil and natural gas exploration and exploitation. He has admitted that ONGC Management has contractors by name Electrical India, Vivek Enterprises and some other contractors. It is his specific evidence that ONGC Management used to have job contracts with such contractors under contractual agreements for a specific period and in those contracts the work that has got to be done as job contracts used to be mentioned clearly. Like that the ONGC management has entered into job contracts with Electrical India contractor under an agreement dated 21-5-95 for the first time and with the contractor M/s. Vivek enterprises under the agreement dated 29-9-84 and those contracts were for a period of two years extendable for a period of six months in two spells. It is his further evidence that as per the contract the contractor only has to deploy persons for doing the job work entrusted to him under job contract, and the contractor only has to pay wages for the employees deployed for work. Further it is his categorical evidence that the Respondent ONGC have no relationship with the persons deployed by the contractor as employer and

employee and the Management ONGC has no power to take disciplinary action against such persons. It is his further evidence that ONGC Management are not paying any wages or salary for such workmen deployed by the contractors for doing the job work by the contractor to do under the agreement. Against this specific evidence of WW1 no acceptable or documentary evidence available on record in support of their claim that concerned employees were employed directly by the ONGC Management and they were paid by them only directly. No proof like attendance, payment voucher, or any document showing the employer and employee relationship between the ONGC Management and concerned workmen has been filed by the Petitioner Union in this case. It is held in a case reported as 1994 (59) FLR 232 R.K. PANIJA AND OTHERS Vs. STEEL AUTHORITY OF INDIA LTD. AND OTHERS by the Supreme Court that "*however, such a clause in the contract which is benevolently inserted in the contract to protect the continuance of the source of livelihood of the contract labour cannot by itself give rise to right to regularisation in the employment of the principal employer. Whether the contract labourers have become employees of the principal employer in course of time and whether the engagement and employment of labourers through a contractor is a mere camouflage under smoke screen as has been urged in this case, is a question of fact and has to be established by the contract labourers on the basis of requisite material*".

The above decision is squarely applicable to the facts of this case. In this case also the concerned workmen admittedly employed through the contractors as contract labourers have not established with the requisite material to come to the conclusion that the engagement and employment of labourers through a contractor is a mere camouflage and a smoke screen. On the other hand, there is a categorical evidence of the Management as pleaded in the Counter Statement of Respondents 1 and 2 that the concerned employees are not directly employed by the Respondent Management ONGC Ltd. and there is no master and servant or employer and employee relationship between themselves. To disprove this evidence of WW1, no material is available in this case on the side of the Petitioner as an acceptable substantiate evidence. So under such circumstances, this Tribunal can easily come to the conclusion that the relief of regularization of service of these concerned twelve workmen by the Respondent Management ONGC Ltd. cannot be granted. Thus, I answer the point accordingly.

8. On the basis of the above findings, it is held that the action of the Management of ONGC in not regularizing the services of 125 contract workers as per annexure "A" (now restricted to 12 workmen, as per the memo) is justified and the concerned workmen is not entitled to any relief

9. In the result, an award is passed holding that the Petitioner union, which is espousing the case of the workmen concerned is not entitled for the relief of regularization of service for the concerned workmen, as prayed for. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day, the 30th May, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

For I Party/Workman:

W.W1 Shri S.Santhanam

W.W2 Shri J. Mohammed Sulaiman

For II Party/Management:

M.W.1 : Shri M. Mohanraj

Documents Marked:

For I Party/Workman:

Ex.No.	Date	Description
W1	09.12.99	Certified copy of the order passed by the High Court in W.P. No. 6873/98 and the connected W.M.Ps.
W2	08.09.94	Copy of Notification issued by Govt. of India, Ministry of Labour.
W3	02.03.95	Copy of a letter from Petroleum Coal Labour Union to the Management.
W4	08.12.95	Copy of a letter from Petroleum Coal Labour Union to the Management.
W5	03.05.97	Copy of a letter from Petroleum Coal Labour Union to the Management.
W6	20.10.97	Copy of letter from Under Secretary to the Govt. of India to Management.
W7	12.11.98	Copy of a letter from Petroleum Coal Labour Union to the Management.
W8	18.10.95	Photo pass of Shri J. Mohamed Sulaiman bearing No. 910 (Original).

For II Party/Management:

M1 08.01.2001 Letter from the Contractor Shri D. Ramalingam, Vivek Enterprises to the Management.

नई दिल्ली, 26 जून, 2001

का०आ० 1721.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2001 को प्राप्त हुआ था।

[सं. एल-30011/65/99-आई.आर.(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2001

S.O. 1721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the Balmer Lawrie & Co. Ltd. and their workmen which was received by the Central Government on the 26-6-2001.

[No. L-30011/65/99/IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT : S. N. SAUNDANKAR, Presiding Officer

REFERENCE NO. CGIT-2/49 of 2000.
EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/s. Balmer Lawrie & Co. Ltd.,
The General Manager,

G-16, MIDC Ind. Dev. Area, Taloja,
Raigad-410 208

AND

Their Workmen

Taloja Balmer Lawrie Employees Union,
101 A, Sai Narayan Darshan,
Near Om Bakery, Tilak Road,
Panvel, Raigad.

APPEARANCES .

For the employer : S/Shri C.V. Pavaskar, S. V. Mokashu and
P.C. Pavaskar Advocates.

For the Workmen No Appearance.

Mumbai, the 31st May, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-30011/65/99/IR(M), dated 16/3/2000 and letter dtd 29-6-2000, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947.

“Whether the action of the management of M’s. Balmer Lawrie & Co Ltd. Navi Mumbai in altering the number of persons employed in OSD I Unit without following the provisions of Section 9A of the Industrial Disputes Act, 1947 is legal and justified? If not, to what relief the workmen concerned are entitled.”

2 Pursuant to Tribunals notice management’s Legal Adviser Mr Mokashi appeared vide (Exhibit-8). Union also received the notice vide acknowledgement (Exhibit-7), however, none appeared on its behalf. Rojnama shows that the matter was fixed for appearance and filing Statement of Claim by union on many dates but in vain, which indicates union is not interested in prosecuting the reference. Therefore the following order is passed :—

ORDER

Reference stands disposed of for non-prosecution.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 26 जून, 2001

का०आ० 1722.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, किलबर्नस कैमिकल्स लि० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-2001 को प्राप्त हुआ था।

[सं. एल-29012/56/99-आई आर (एम)]

बी० एम० डेविड, अवर सचिव

New Delhi the 26th June, 2001

S.O. 1722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. KILBURNS CHEMICALS LTD and their workmen which was received by the Central Government on the 26-06-2001.

[No. L-29012/56/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM- LABOUR COURT, CHENNAI

Wednesday, the 30th May, 2001

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 169/2001

(TN State Industrial Tribunal I.D. No. 181/99)

(In the matter of dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Dispute Act, 1947 between the Workman V.G.R. Selvakumar and the Management M/s. Kilburn Chemicals Ltd., Tuticorin)

BETWEEN

Shri V. G. R. Selvakumar : Workman/I Party
Tuticorin

AND

M/s Kilburn Chemicals Ltd., : Management/II Party
Tuticorin

APPEARANCE :

For the Workman : M/s. A. M. Packianathan
Easters, & R. Kamaraj,
Advocates

For the Management : M/s. Vijay Narayan &
R. Parthiban, Advocates

REFERENCE : Order No. L-29012/56/99/IR(M) dt.
06-08-1999, Govt. of India, Ministry of
Labour, New Delhi.

This dispute on coming up before me for final hearing on 15-5-2001, upon perusing the reference, Claim Statement, Counter Statement and other material papers on record, the oral and documentary evidence let in on either side and upon hearing the arguments of the counsel Shri R. Kamaraj and the counsel for the Management Shri R. Parthiban and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

AWARD

This reference by the Central Govt. in the exercise of powers conferred by clause (d) of sub-section 1 and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, in respect of dispute between the Workman Shri V.G.R. Selvakumar and the Management of M/s. Kilburn Chemicals Ltd., Tuticorin, mentioned as schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the action of the Management of M/s. Kilburn Chemicals Ltd. in dismissing Shri V.G.R. Selvakumar, Trainee Process Operator with effect from 7-10-1996 is justified? If not, to what relief the workman is entitled?”

This order of reference has been earlier made to Tamil Nadu State Industrial Tribunal and was taken on file as I.D. No. 181/99. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel in that Tribunal and filed both the Claim Statement and Counter Statement. When the matter was pending enquiry in that Tribunal, this case has been transferred from the file of that Tribunal to the file of this Tribunal, as per the orders of the Central Govt. for adjudication. On receipt of records from the T.N. Tribunal this case has been taken on file by this Tribunal

as I.D. No. 169/2001 and notices were issued to counsel on either side informing them about the transfer of this case from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal with a direction to present before this Tribunal for prosecuting this case on 5-2-2001. On receipt of notices, the counsel on either side appeared before this Tribunal and expressed that they want to let in evidence on the respective side. When the matter was taken up for enquiry, three witnesses for the Management were examined as MW1 to MW3 and documents were made as M1 to M16. Then on the side of the Workman, the I Party Workman himself has examined as WW1 and exhibits W1 to W8 were marked. On that day, it was found out that the counsel for the Management undertook to produce the original of Ex.M8, had not produced. Subsequently, on his representation about his inability to produce Ex.M8 (the explanation dated 5-4-96 submitted by the workman for the show cause notice dated 3-4-96), the same has been eschewed on the representation of the counsel for the Management. Then the arguments advanced by learned counsel on either side was heard.

2. The facts of the industrial dispute referred to for adjudication are briefly as follows :—

The I Party/Workman Sri V.G.R. Selvakumar (hereinafter referred to as Petitioner) was appointed as Process Operator Trainee in the II Party/Management company M/s. Kilburn Chemicals Ltd. (hereinafter referred to as Respondent) on 2-5-94. The Training period was one year. The period of training expired on 1-5-95. As per the Clause (2) of the order of appointment, the training period will initially be for a period of 12 months, which may be extended for a further period of 12 months at the discretion of the Management. It is also stated that unless communicated otherwise in writing the petitioner will continue to be on training, even after the completion of stipulated period of training. By a communication dated 2-5-95, the training period for the petitioner was extended by the Respondent to April, 1996. By a letter dated 10-4-96 the training period of the Petitioner was further extended for a period of three months on the ground of insulting his superior. For the said incident, memo and show cause notices were issued to the Petitioner on 21-3-96 and 3-4-96. The Petitioner has suitably replied for the memos and show cause notices. However, the Respondent gave a punishment of extension of three months. After 2-8-96 the Petitioner approached the General Manager Sri Natarajan and requested for his confirmation. On 7-10-96 the respondent issued termination order for the same allegation for which he has been punished on 10-4-96. So the Petitioner caused legal notice to the Respondent and demanded reinstatement with back wages. As the Respondent has not chosen to reply, the Petitioner submitted a petition before the Asst. Labour Commissioner, Palayamkottai and Tuticorin for conciliation of the dispute. Since, the conciliation attempt ended in failure, the Labour Enforcement Officer sent a failure of conciliation report to the Govt. Hence, the reference by the Central Govt. for adjudication by this Tribunal. The Respondent/Management after receipt of explanation given by the Petitioner/Workman for the show-cause notices without conducting any enquiry, unilaterally punished the Petitioner by extending the training period for further period of three months. Such act of the Management is in violation of its own standing order under section 03(f). The dismissal order issued on 7-10-96 by the Respondent/Management is against the principles of natural

justice and is against the section 20 and 23 of the Standing order of the Respondent. The Petitioner should not have been punished by the Respondent/Management for the same alleged offence. The conduct of the Respondent by dispense with the enquiry proceedings without giving any objective reasons is against the Act and settled principles of law.

3. The Respondent/Management denying the allegations of the Petitioner in his Claim Statement contend in the Counter Statement that as per Clause (4) of the appointment order, after the completion of the training period, to the entire satisfaction of the Management and subject to availability of vacancies, the Management may absorb the petitioner as a regular workman. As per Clause (12), the period of training can be terminated by the company without notice or compensation in lieu of notice, if the petitioner's progress in training, attendance or conduct is not satisfactory in the opinion of the Management. The monthly stipend payable was Rs. 1,200 per month but this was revised to Rs. 1,700 per month with effect from 1-1-96.

The Petitioner was a trainee for a particular period with distinct purpose and the Respondent was not bound to employ him after the period of training was over, even if he completed the same to the utmost satisfaction of the work in respect of quality and conduct of the work. Therefore, the Petitioner was not workman within the meaning of Industrial Disputes Act under Section 2(s), hence the present claim is liable to be rejected. On 28-2-96, the petitioner who was in the 'C' shift who was asked to attend the clarifier operation, it was observed that the petitioner handled that clarifier carelessly causing the clarifier in getting upset by formation of liquor with high residue. He purposefully and willfully acted by not taking magnafloc for solution preparation. This upset the clarifier operation by liquor formation, because of which the black liquor could not be siphoned for about 35 hours leading to a serious break in the production. The petitioner was warned by letter dated 21-3-96 to rectify himself and to avoid recurrence of serious offences. Again on 20-3-96 in the 'C' shift the petitioner was allotted the work of removing the choke in the Clarifier. He was allotted two casual workmen to help for this work. It was reported that the removal of line choke was done by him with indifferent attitude and carelessness by leaving the casuals alone to work in the removal of choke and he went to the boiler house to sleep while on duty and also abused the supervisors who were his immediate superiors, when they asked him about line choke removal work in the Clarifier. On the night of 22-5-96 one of the supervisors reported this indifferent act of the petitioner to the Management. Later, that particular supervisor was threatened personally by the petitioner with his friend while he was standing near VVD bus stop Tuticorin. A show cause notice was issued for which the petitioner has replied. As his explanation was not found satisfactory and the petitioner being a trainee, the respondent had decided to give a further opportunity to the petitioner to rectify his conduct and attitude towards work as a trainee. A letter dated 10-4-96 was issued to the petitioner for which the petitioner submitted a reply that shows his insincerity and indiscipline conduct, which is sufficient to take disciplinary action. Nevertheless, as a gesture of goodwill the Management, instead of taking serious view, extends the training period of the petitioner for a further period of three months. When the performance of the petitioner was reviewed it was found that on 3-8-96 while the petitioner was working in 'C' shift, he

acted in an indifferent way by disobeying the instructions of the Process Supervisor for the preparation of Nuclei. So a memo dated 6-8-96 was issued to the petitioner for which he gave a reply dated 7-8-96 denying the charges. On 1-10-96 at about 11 A.M. the petitioner took the flask of milk without sugar, which was meant for Mr. Muthuraj, Process Operator, who was a diabetic and added coffee with sugar with the milk. When the supervisor enquired this matter, the petitioner abused him with filthy language. Based on the complaint, and in order to conduct preliminary enquiry Mr. Thangadhurai, Accountant was appointed as an enquiry officer. The petitioner, had threatened the Enquiry Officer while he was coming to duty on 3-10-96 and he also threatened Mr. Mohan, Clerk cum Typist, who was the witness to the occurrence. Only after all these misconducts were committed by the petitioner, the Respondent held that enough opportunities had been given for a trainee to rectify himself and since the petitioner was incorrigible, the Respondent has no other option except to invoke Clause (12) of the appointment order. The Respondent had not chosen to respond the legal notice issued by the petitioner. As there was no improvement in the conduct of the petitioner, who was a trainee only, the termination is legal, since the petitioner as a trainee is not a workman. However, if this Hon'ble Tribunal were to come to the conclusion that an enquiry should have been conducted, the Management craves leave to let in evidence to prove the charges against the petitioner. There is no illegality in terminating the petitioner trainee owing to his quality of work as well as conduct. Hence, the Hon'ble Tribunal may be pleased to dismiss this petition.

4. The point for my consideration is 'whether the action of Management of M/s. Kilburn Chemicals Ltd. in dismissing Shri V.G.R. Selvakumar, Trainee Process Operator with effect from 7-10-96 is justified. If not, to what relief, the workman is entitled?'

5. Three witnesses for the Management were examined as MW1 to MW3 and exhibits M1 to M18 were marked. Out of which, Ex.M8 has been eschewed from evidence for the non-production of the original, on a request of the counsel for the Management. The Petitioner/Workman has been examined himself as WW1. Exhibits W1 to W8 have been marked on his side. The arguments advanced by the learned counsel on either side were heard.

6. The petitioner Sri V.G.R. Selvakumar was appointed as a process operator trainee in the Respondent concern. The appointment order dated 28-3-94 is Ex.W1. The Xerox copy of the same is Ex. M1. As per the appointment order, the training period initially was 12 months. It is mentioned in Clause 2 of the appointment order that the training period may be extended for a further period of 6 to 12 months at the discretion of the Management. Unless otherwise communicated in writing, the trainee have to continue as a trainee even after completion of stipulated period of training. Ex W2 is a communication dated 2-5-95 as a revision of terms. The Xerox copy of the same is Ex M2. Ex.W3 is another communication dated 4-1-96 informing the petitioner about the revision of his monthly stipend to Rs. 1750. A Xerox copy of the same is Ex.M3. Ex W4 is a memo dated 21-3-96 issued to the petitioner by the Respondent for his willful negligence in work. The Xerox copy of the same is Ex M4. Ex. W5 is show-cause notice dated 3-4-96 issued by the Respondent/Management alleging three acts of misconduct as sleeping during working hours, improper attendance in duty of

removing the line choke and abusing the supervisors, for which the petitioner has submitted his reply denying the alleged misconduct. Then, again the petitioner was issued a memo under Ex.W5 on 3-4-96, on the basis of a report given by the Section Supervisor dated 20-3-96. That report is Ex.M5. For the misconduct of the petitioner for sound sleep in working hours as mentioned in the show cause notice under Ex.W5, the Chemical Engineer, Sri Palaniswamy gave a complaint to the Manager dated 22-3-96. It is Ex. M 6. Not satisfying with the explanation given by the Petitioner to the show cause notice dated 3-4-96, the period of training of the Petitioner was further extended for a period of another three months under order dated 10-4-96 by the Management. It is Ex. W6. A Xerox copy of the same is Ex.M9. Then the Petitioner was issued a termination order dated 7-10-96 under Ex. W7. A Xerox copy of the same is Ex. M16. As WW1, the Petitioner has deposed that he has not committed the mischief as alleged as an incident taken place on 1-10-96 at about 11 A.M and he had not added coffee with sugar in the milk in the flask, which was meant for Mr. Muthuraj, who is a known diabetic. In the cross examination he has admitted that he has no personal enmity between himself and his co-workers. He has also admitted he has not mentioned anything in the Claim Statement that the alleged misbehaviour mentioned in para 2 of Ex.W7 is false and no such incident had taken place. MW2 a Process Supervisor, Mr. Muthuraj has deposed that on 01-10-96, morning at 11.00 A.M., tea-time, when he opened the flask and poured in tumbler he found the colour of the milk as changed and the liquid was not white colour and it was brownish in colour. So, he asked Patturajan, casual labourer, who brought the milk to him as to whether it is milk or some other thing, since the colour has been changed for which he was told by that Patturaj that when he brought the flask containing milk, the process operator Mr. Selvakumar opened the flask and poured his coffee and at that time Mr. Mohan, Accounts Section was there and when he contacted the petitioner through intercom as to why he has done like this, the petitioner used vulgar words and told him what he wanted him to do. So he gave a written compliant against him. It is Ex. M12. MW3 in his evidence corroborate the evidence of MW2 about the incidence. The Petitioner himself has admitted that he has no enmity with any of his co-worker. If that being the case, there was no necessity for MW3 and MW2 to speak about an incident, which MW2 has given it in writing under Ex. M12. That was one among the misconducts stated in Ex. W5 show cause notice as abusing the supervisors. For the misconduct mentioned as sleeping during working hours, a written complaint given by the Chemical Engineer, Palaniswamy dated 22-3-96 under Ex. M6 has been relied upon by the Management. Further improper attendance in duty of removing the line choke mentioned in Show Cause Notice Ex. W5, a written complaint given by the Process Supervisor to the Production Manager dated 23-3-96 is relied upon by the Management. All these things have been spoken to by MW2 in his evidence. In Ex. M1 appointment order which contains all the clause as terms and conditions, the petitioner has accepted the same and in token thereof, he has subscribed his signature 'as accepted'. This he has admitted in cross examination also. The stipend which was given earlier to the Petitioner during his training period has been increased step by step up to Rs. 1750 per month. This is also in evidence when one Thangaraj was appointed to enquire into the matter, the Petitioner threatened him and the said Thangaraj has given it in a writing as a compliant to the

Management under Ex. M14 dated 3-10-96. This has been spoken to by MW1 in his evidence. All these things have already been stated in the Counter Statement of the Management. So it cannot be said that these documents relied upon by the Management about the misconduct of the Petitioner, when he was engaged as process operator trainee under Respondent/ Management concern, have been created by the Management for the purpose of this case. So from all these things, the Management had to conclude that they have no other option except to terminate the services of petitioner. The learned counsel for the Respondent has advanced an argument stating that it is held in a case reported as 2000 (Vol. 95) FJR 851 "*stipend paid during training period without any other benefit, there is no guarantee of employment as trainees are not regular employees and the trainee is liable to be terminated, if he is found unfit or unable to cope up with the work and the Management is not obliged to pay contributions.*" This judgement of the Madras High Court is quite applicable to the present facts of this case and the trainee petitioner was given only stipend and not any other emoluments. Hence, the action taken by the Management in terminating the Petitioner, the process operator trainee is justifiable. On a perusal of the records, evidence and the authority quoted by the learned counsel for the Respondent/Management, it is seen that the argument advanced by the learned counsel for the Management is accepted as correct. There is ample material available in this case to conclude that the action taken by the Management against the Petitioner, who was a trainee process operator in dismissing him from traineeship is justified. Hence, I answer the point accordingly.

7. In the result, an award is passed holdings that the action of the Management of M/s. Kilburn Chemical Ltd., in dismissing Shri V.G.R. Selvakumar, Trainee Process Operator with effect from 7-10-1996 is justified and the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day, the 30th May, 2001)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

For I Party

W.W1 Shri V.G.R. Selvakumar

For II Party

M.W.1 : Shri S. Michael N. Cholas

M.W.2 : Shri P. Muthuraj

M.W.3 : Shri A Mohan

Documents Marked:

For I Party

Ex.No.	Date	Description
W1	28-3-94	Original letter from Shri B. Mohanraj President to Shri Gershom Rajapaul Selvakumar.
W2	2-5-95	Original letter from Shri Mohanraj, President to Shri VGR Selakumar, Regarding Revision of Terms.
W3	4-1-96	Original letter from Shri Thomas Mathew, President to Sri VGR Selvakumar
W4	21-3-96	Original memo from Sri S. Natarajan,

W5	3-4-96	Gen. Manager to Sri VGR Selvakumar. Original show cause notice.
W6	10-4-96	Original letter from the General Manager (Fin & Admn.) to the Workman.
W7	7-10-96	Original letter from Sri Thomas Mathew, President to the Workman.
W8	12-10-96	Copy of the Notice from Sri Sundaram, Adv.
For II Party		
M1	—	Xerox copy of letter from Shri B. Mohanraj, President to Petitioner.
M2	—	Xerox copy of letter from Shri Mohanraj, President to Shri VGR Selvakumar. regarding Revision of Terms.
M3	—	Xerox copy of letter from Shri Thomas Mathew, President to Sri VGR Selvakumar.
M4	—	Xerox copy of memo from Sri S. Natarajan, G.M. to Sri VGR Selvakumar.
M5	23-3-96	Original letter of Shri P. Arumugam, Process Supervisor to the Production Manager.
M6	22-3-96	Original letter from Shri M. Palanisamy, Chemical Engineer to the G.M.
M7	—	Xerox copy of the show cause notice dt. 3-4-96.
M8	—	Not filed and hence eschewed.
M9	10-4-96	Xerox copy of letter from the G.M. (Fin & Admn) to the Workman/I Party.
M10	23-5-96	Original letter from Shri P. Arumugam, Process Supervisor to the G.M., KCL.
M11	5-8-96	Original letter of Shri H.R. Duraisingh to the Production Manager, KCL.
M12	1-10-96	Original letter of Shri P. Muthuraj to the General Manager, KCL.
M13	3-10-96	Original letter from Shri A. Mohan to the Director, Kilburn Chem. Ltd.
M14	3-10-96	Original letter of Shri Thangadurai to the General Manager, KCL.
M15	8-10-96	Original Note to President from Shri S. Natarajan.
M16	7-10-96	Xerox copy of letter from Sri Thomas Mathew, President to the Workman.

नई दिल्ली, 26 जून, 2001

का०आ० 1723.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. बी. पी. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2001 को प्राप्त हुआ था।

[सं. एल-30012/157/2000-आई आर (एम)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 26th June, 2001

S.O.1723.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby

publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur (Rajasthan) as shown in the Annexure, in the industrial dispute between the employers in relation to the IBP LTD. and their workmen which was received by the Central Government on the 26/06/2001.

[No. L-30012/157/2000/IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

आदेश संख्या :—एल—30012/157/2000/आई.आर.(एम)

13-3-2001

प्रकरण संख्या :—सी.जी. आई.टी./16/2001

अशोक कुमार गर्ग पुत्र श्री बृजमोहन गुप्ता, मोहताब सिंह जी का चौराहा, गोयल टैन्ट हाऊस के पास, अलवर, राजस्थान। —प्राथी

बनाम

मैसर्स आई.बी.पी. कम्पनी लिमिटेड, प्लॉट नं. ए-348—349 औद्योगिक क्षेत्र, पी.ओ. भिवाड़ी, जिला-अलवर (राजस्थान)

—अप्राथी

उपस्थित :—

प्राथी की ओर से

कोई नहीं।

अप्राथी की ओर से

कोई नहीं।

पंचाट दिनांक :—4-6-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है।) की धारा-10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत उक्त आदेश के जरिए न्याय निर्णय हेतु प्रेषित किया गया है :—

“Whether the action of the management of M/s. I.B.P. Co. Ltd., Bhiwadi Distt. Alwar in terminating the service of Shri Ashok Kumar Garg, fitter is justified? If not, to what relief the workman is entitled ?

निर्देश आदेश दिनांक 9-4-2001 को प्राप्त हुआ। निर्देश आदेश के अनुसार प्राथी अशोक कुमार गर्ग को निर्देश आदेश की प्राप्ति के अन्दर 15 दिवस में स्टेटमेंट ऑफ क्लेम प्रस्तुत करना था, परन्तु क्लेम प्रस्तुत नहीं किया। उसे जरिए रजिस्टर्ड ए.डी. नोटिस भेजा गया कि दिनांक 4-6-2001 को क्लेम पेश करें। नोटिस की तामील हो गई परन्तु बावजूद नोटिस के प्राथी उपस्थित नहीं है। विपक्षी आई. बी. पी. कम्पनी की ओर से भी बावजूद तामील नोटिस के कोई उपस्थित नहीं आया। प्राथी के द्वारा उपस्थित नहीं आने व उसके द्वारा क्लेम प्रस्तुत नहीं करने से ऐसा प्रतीत होता है कि उसे क्लेम फाईल करने में कोई रुचि नहीं है। अतः विवाद रहित पंचाट पारित किया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा(1) के अन्तर्गत प्रकाशमार्थ प्रेषित की जाए।

ह./- अपठनीय
पीठासीन अधिकारी

नई दिल्ली, 26 जून, 2001

का०आ० 1724.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चैन्सलरी पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/चैन्सलरी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-2001 को प्राप्त हुआ था।

[सं. एल-33012/2/98-आई आर (एम)]

बी०एम० डेविड, अवर सचिव

New Delhi the 26th June, 2001

S.O. 1724.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, CHENNAI as shown in the Annexure, in the industrial dispute between the employers in relation to the Chennai Port Trust and their workmen which was received by the Central Government on the 26-06-2001.

[No. L-33012/2/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 30th May, 2001

Present : K. KARTHIKEYAN,
PRESIDING OFFICER

INDUSTRIAL DISPUTE NO. 533/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 138/98)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Workman Shri R. Kesavaram and the Management, The Chairman, Chennai Port Trust, Chennai.)

BETWEEN

The General Secretary, : I Party/Claimant
Dr. Ambedkar Madras Port
Trust & Dock Labour Board
Employees Union, Chennai.

AND

The Chairman, : II Party/Management
Chennai Port Trust, Chennai.

Appearance

For the Claimant : M/s. K. Raja and
K. Marinath, Advocates
For the Management : M/s. M. M. Shanmugam
and S. Jeya Kumar,
Advocates.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-33012/2/98/IR (M) dt. 27-11-1998 :—

“Whether the action of the Management of Chennai Port Trust, in deducting the salary of 17 days from 03-05-1996 to 20-05-1996 and imposition of punishment of shortage of increment for the period of six months on Shri R. Kesavaram of Marine Department is justified? If not, to what relief the workman is entitled?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D.No. 138/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of

Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 533/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 09-03-2001.

3. When the matter was taken up for enquiry on 09-03-2001, both the parties were absent. The Counsel for the I Party alone was present and filed Xerox copies of the documents. Then, the case was adjourned to 26-3-2001, granting time till then for the II Party/Management to file their documents, if any. As the Presiding Officer was holding Camp Court on that day, the case was adjourned to 18-04-2001. On 18-04-2001, when the matter was taken up for enquiry, both the parties remained absent and their respective counsel were also not present and there was no representation on either side. Hence, the case was adjourned to 14-05-2001. As this happens to be an old case, referred by the Ministry for adjudication by its order dated 27-11-1998, the case was posted finally for enquiry to this date i.e. 30-5-2001.

4. When the matter was taken up for enquiry to day, i.e. 30-05-2001, as usual both the parties remained absent. The counsel appearing on either side also are not present. There is no representation on either side. The inaction of the I Party/Claimant, the General Secretary, Dr. Ambedkar Madras Port Trust and Dock Labour Board Employees Union, Chennai, who is espousing the cause of the aggrieved Workman Shri R. Kesavaram, in this old case for the year 1998 ever since the matter has been transferred to the file of this Tribunal for adjudication and his non-appearance and non-representation enables this Tribunal to conclude that there is no industrial dispute as such now existing between the parties. Hence, this industrial dispute is dismissed for default and for non-representation.

5. In the result, an award is passed holding that ‘No dispute’ exists between the I Party/Claimant and the II Party/Management and the reference is closed as dismissed. No Cost.
(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 26 जून, 2001

का. आ. 1725.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री शारदे मरीन सर्विसेज के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-2001 को प्राप्त हुआ था।

[सं. एल.-36011/3/99-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2001

S. O. 1725.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in

relation to the M/s. Shree Sharde Marine Services and their workmen which was received by the Central Government on 26-06-01.

[No. L-36011/3/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT

Shri S. N. SAUNDANKAR

PRESIDING OFFICER

REFERENCE NO. CGIT-2/191 OF 1999

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF M/S. SHREE SHARDE
MARINE SERVICES.

Shri Ramindar Singh,
Proprietor,
M/s. Shri Sharde Marine Services,
C/o. Western India Shipyard Limited,
Murmugao Harbour, Murmugao,
Goa.

AND

THEIR WORKMEN

The President,
Goa Trade & Commercial Workers Union,
Velho's Building, 2nd Floor,
Opp. Municipal Garden,
Goa.

APPEARANCES :

FOR THE EMPLOYER : No Appearance.

FOR THE WORKMEN : Mr. Suhaas Naik
Representative.

Mumbai, dated 28th May, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-36011/3/99/IR(M), dated 10-09-99, have referred the following Industrial Dispute to this tribunal for adjudication :

"Whether the action of the management of M/s. Sharde Marine Services, Goa in terminating the services of S/Shri Mohan Singh and Hanif Khan w.e.f. 13-9-98 is legal and justified ? If not, to what relief the workmen are entitled for ?"

2. The President of Goa Trade & Commercial Workers Union filed Statement of Claim on behalf of the workmen S/Shri Mohan Singh and Hanif Khan at Exhibit-4. It is averred that they were employed with M/s. Shree Sharde Marine Services to carry out the work of ship repairs in the shipyard of M/s Western India Shipyard Limited, as welder/fitter w.e.f. 20-11-97 on a monthly salary of Rs. 2,900 on perennial nature. They worked efficiently and diligently from 20-11-97 to 12-9-98 continuously. However the employer orally refused employment to both the workmen without assigning any justified reasons of whatsoever nature w.e.f. 13-09-1988. They approached the Assistant labour Commissioner (C), Vasco da Gama, Goa, through union. However, the Conciliation failed. The Union therefore prayed to reinstate the workman in service in continuity with full back wages with consequential reliefs.

3. Notice was sent to the management on the address mentioned in the order of reference, that is at Thana vide (Exhibit-7). However, the envelope received back with endorsement that the address was incomplete (Exhibit-9 & 10). The union by application (Exhibit-12) gave the correct address of the employer of Goa. Consequently notice was issued on the address at Goa vide (Exhibit-13) which was received vide acknowledgement (Exhibit-14). However inspite of that none appeared on behalf of the management, through sufficient time given. Since the parties come from Goa the matter was kept at Goa on 23-1-2001 of which notice was given to the management vide (Exhibit-16) and received vide acknowledgement (Exhibit-17). However there also management remained absent. Also the matter was fixed at Goa on 24-4-2001, 25-4-2001 and 26-4-2001. However that time also the management remained absent. The union was therefore directed to file affidavit in support of their claim and consequently union filed affidavit of the President of the "Goa Trade & Commercial Workers Union", Mr. Christopher Fonseca, at Ex-20 and, consequently the matter is being heard Ex-parte against the management.

4. The issues that fall for my consideration and my findings there on for the reasons are as under:—

Issues	Findings
(1) Whether the action of the management of M/s Sharde Marine Services, Goa in terminating the Services of S/Shri Mohan Singh and Hanif Khan w.e.f. 13-9-98 is legal and justified?	No
(2) If not, what relief the workmen are entitled?	As per order below.

REASONS

5. Affidavit of Shri Christopher Fonseca, the President of the "Goa Trade & Commercial Workers Union" (Exhibit-20) shows as per the affidavits of the workmen (Exhibit-5 & 6) they were employed with M/s Sharde Marine Services, on perennial nature as welder/fitter w.e.f. 20-11-97 to 12-9-1998 on a monthly pay of Rs. 2,900 and that without giving any notice on 13-9-98 they were orally refused employment and then the matter was taken to the Assistant Labour Commissioner (C). However Conciliation failed. It is stated that the correct address of the management was of Goa and they were properly served with the notice. Since the abovesaid evidence of the union in connection with the workmen has gone unchallenged there is no reason to disbelieve their evidence and relying on that the issues are answered accordingly and hence the order:—

ORDER

The action of the management of M/s Sharde Marine Services, Goa in terminating the services of S/Shri Mohan Singh and Hanif Khan w.e.f. 13-9-98 is not legal and justified.

Management is directed to reinstate the workmen with full back wages and continuity in service.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 26 जून, 2001

का. आ. 1726.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टुटिकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारी के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-01 को प्राप्त हुआ था।

[सं. एल.-44011/4/99-आई आर (एम)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 26th June, 2001

S. O. 1726.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the Tuticorin Port Trust and their workmen which was received by the Central Government on the 26-06-01.

[No. L-44011/4/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 8th June, 2001

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 245/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 257/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Claimant the General Secretary, Tuticorin Port Employees Trade Union and the Management. The Chairman, Tuticorin Port Trust, Tuticorin].

BETWEEN

The General Secretary, : I Party/Claimant
Tuticorin Port Employees
Trade Union

AND

The Chairman, : II Party/management.
Tuticorin Port Trust,
Tuticorin.

Appearance :

For the Workman : Sri C. Sivaraman
Authorised
representative.

For the Management : M/s M. Sriram,
D. Rajendran &
A. Gandhi
Advocates.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(a) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-44011/4/99/IR(M) dt. 21-09-1999 :—

“Whether the action of the Management of Tuticorin Port Trust, Tuticorin in deducting the one day wages in

the name of participation in dharna is justified or not? if not to what relief the concerned workmen are entitled?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 257/99. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt. this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 245/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 09-02-2001.

3. When the matter was taken up for enquiry on 09-02-2001, the counsel for the II party alone was present. Both the parties and the Representative for the I Party were not present. Then the case was adjourned to 26-02-2001. On that day, both the parties and the counsel on either side were remained absent. Hence fresh notices were ordered to be sent by Registered Post with acknowledgement due, direct to the I and II Party for the hearing on 19-03-2001. Accordingly, notices were issued to both the parties, direct by Registered Post with acknowledgement due and they were duly served on them. On 19-03-2001 the counsel for the II Party alone was present. The Representative for the I Party remained absent. There was no representation for the I Party/Claimant. No documents have been filed on either side. Hence, the case has been adjourned to 03-04-2001 for enquiry. Though the matter was taken up for enquiry on 03-04-2001, 23-04-2001 and 30-04-2001, the counsel for the II Party alone was present on those days and the I Party/ Union Representative remained absent as usual. There was no representation for the I Party/Union at all on all those adjourned dates of hearing. Finally, the matter was adjourned to 08-06-2001 for enquiry.

4. When the matter was taken up for enquiry to-day, i.e. 08-06-2001, as usual, the counsel for the II Party alone present. There is no representation for the I Party/Claimant. In spite of the notices sent by Registered Post with acknowledgement due, twice, and they were duly served on the I Party/Claimant, as per the acknowledgement received, ever since the first hearing date i.e. 9-2-2001, subsequent to the transfer of this case to the file of this Tribunal for adjudication, I Party/Union has not chosen to appear in person through its representative to prosecute this case further. The inaction and non-representation on the side of the I Party/Claimant for all these seven hearings of this case, enables this Tribunal to conclude that no industrial dispute as such now exists between the parties concerned. Hence, this industrial dispute is dismissed for default and for non-prosecution.

5. In the result, an award is passed holding that ‘No dispute’ exists now between the parties concerned. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th June, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 26 जून, 2001

का. आ. 1727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 केअनुसरण में, केन्द्रीय सरकार टुटिकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारी के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-01 को प्राप्त हुआ था।

[सं. एल.-44011/5/99-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 26th June, 2001

S. O. 1727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the Tuticorin Port Trust and their workmen which was received by the Central Government on the 26-06-01.

[No. L-44011/5/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 8th June, 2001

Present : K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE No. 244/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 256/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, between the Claimant, the General Secretary, Tuticorin Port Employees Trade Union and the Management, The Chairman, Tuticorin Port Trust, Tuticorin.]

BETWEEN

The General Secretary, : I Party/Claimant
Tuticorin Port Employees
Trade Union

AND

The Chairman, : II Party/Management
Tuticorin Port Trust,
Tuticorin.

Appearance :

For the Workman : Sri C. Sivaraman,
Authorised
Representative

For the Management : M/s. M. Sriram,
D. Rajendran &
D. Balaraman,
Advocates

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-44011/5/99/IR(M) dt. 21-09-1999 :—

“Whether the action of the Management of Tuticorin Port Trust, Tuticorin in making Shri S. Radhakrishnan, the junior most Signal Bosan as in-charge, signal station

by ignoring the senior most Signal Bosan Shri C. Robert is justified or not? If not, to what relief the workman is entitled?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 256/99. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and file their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 244/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court with their respective parties to prosecute this case further on 09-02-2001.

3. When the matter was taken up for enquiry on 09-02-2001, the counsel for the II party alone was present. Both the Parties and the Representative for the I Party were not present. Then the case was adjourned to 26-02-2001. On that day, both the parties and the counsel on either side were remained absent. Hence, fresh notices were ordered to be sent by Registered Post with acknowledgement due direct to the I and II Party for the hearing on 19-3-2001. Accordingly, notices were issued to both the parties direct by Registered Post with acknowledgement due and they were duly served on them. On 19-03-2001 the counsel for the II Party alone was present. The Representative for the I Party remained absent. There was no representation for the I Party/Claimant. Hence, the case has been adjourned to 03-04-2001 for enquiry. Though the matter was taken up for enquiry on 03-04-2001, 23-04-2001 and 30-04-2001, the counsel for the II Party alone was present on those days and the I Party/Union Representative remained absent as usual. There was no representation for the I Party/Union at all on those adjourned dates of hearing. Finally the matter was adjourned to 08-06-2001 for enquiry.

4. When the matter was taken up for enquiry to-day, i.e. 08-06-2001, as usual, the counsel for the II Party alone present. There is no representation for the I Party/Claimant. In spite of the notices sent by Registered Post with acknowledgement due, twice, and they were duly served on the I Party/Claimant, as per the acknowledgement received, ever since the first hearing date i.e. 9-2-2001, subsequent to the transfer of this case to the file of this Tribunal for adjudication, I Party/Union has not chosen to appear in person through its representative to prosecute this case further. The inaction and non-representation on the side of the I Party/Claimant for all these seven hearings of this case, enables this Tribunal to conclude that no industrial dispute as such now exists between the parties concerned. Hence, this industrial dispute is dismissed for default and for non-prosecution.

5. In the result, an award is passed holding that ‘No dispute’ exists now between the parties concerned. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th June, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 21 जून, 2001

का. आ. 1728.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया इश्योरेंस कंपनी लि. के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारी के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-06-01 प्राप्त हुआ था।

[सं. एल.-17012/37/91-आई आर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1728.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workmen which was received by the Central Government on the 21-06-01.

[No. L-17012/37/91-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, 'SHRAM SADAN',
III MAIN, III CROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated : 4th June 2001

Present : Hon'ble Shri V.N. Kulkarni, B.Com., LL.B.
Presiding Officer

C.R. No. 82/91

I Party

The Secretary,
GIC Employees Union,
Unity Building Annexe,
Mission Road,
Bangalore-560027
Advocate—Shri Ram
Mohan Reddy

II Party

The Regional Manager,
New India Assurance Co. Ltd.
2-B, United Building
Annexe, Mission Road,
Bangalore-560027
Advocate—Shri Chinnappa
K. Kambayanda

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-17012/37/91/IR(B-II) dated 22nd November, 1991 for adjudication on the following schedule :

SCHEDULE

"Whether the claim of the GIC employees union that Shri M.N. Murali was an employee of the New India Assurance Co., Chikmagalur Branch between September, 1978 and June, 1984 is correct? If so, whether the action of the management in terminating his services in June, 1984 was justified? What relief, if any, is the workman is entitled to?"

2. The workman of the first party union was working as Typist cum Clerk in the Second party. He worked for a long period but his services were terminated illegally. Therefore dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as under :

5. In the year 1978 one Mr. N. Thimmappaiah was the Inspector. First party was appointed by him as Typist-Clerk. He was discharging his duties properly. He is a graduate. He was paid Rs. 130/- to Rs. 150/- per month. The Divisional Manager, Hubli has given permission for appointment. He was not regularised. He worked for more than 240 days. He worked continuously for more than 6 years. The action of the management is illegal and against the mandatory provisions of the Industrial Dispute Act. The first party workman for these reasons has prayed to pass award in his favour.

6. Second party appeared and filed Counter.

7. The case of the Second party in brief is as follows :—

8. The Inspectors were allowed to appoint one Assistant to carry out the duties of as Typist and Clerks. They are recruited for regular appointment. Neither the Inspector nor the Branch Manager nor Divisional Manager nor any one under the hierarchy, has got power of appointment. Therefore, the case of the first party that he was appointed by one Inspector, Thimmappaiah is false procedure of recruitment as stated in para 4 of the Counter. First party could not have been in the employment from 1979 to 1984. The Second party management came to know that the first party workman was working as an agent for Shri M. Thimmappaiah on commission basis having an agency code bearing No. 61687. The case of the first party workman is not correct. Regarding payment received by first party workman it is said by the management that the case of the first party workman is not correct. The question of paying salary does not arise as the first party was never in the employment of the Second party. The second party for these reasons and for some other reasons has prayed to reject the reference.

9. It is seen from the records that the first party Union got examined the workman as WW1 and various documents are marked in his evidence. He is cross examined at length. Against this management did not adduce any evidence after giving number of adjournments. The management has not attended the court. This is a matter of 1991. Therefore, the case was closed. I heard the learned counsel appearing for the first party workman. I have carefully perused all the records and documents produced by the parties. I have read the evidence of first party workman very carefully.

10. It is clear from the records that the first party workman was working with the management as Clerk cum Typist from 20-9-78 to June 1984 without any break. We are having the evidence of WW1. According to his evidence the first party has continuously worked without any break. Evidence of WW1 and the documents referred earlier would go to show that the first party workman has continuously worked for 6 years and the action of the management is not correct. There is no compliance of Section 25F of the I.D. Act.

11. The learned counsel appearing for the first party relied 2 decisions viz. AIR 2001 SC. 706 and AIR 2001(3) Kar. L.J. 137(DB). I have read the above two decisions very carefully. Keeping in mind the principles held in the above two decisions I am of the opinion that the first party workman can take full benefit on the above referred decisions and according to the facts of the case it is established that the first party workman has continuously worked and the claim of the employee is correct. The first party workman have also filed some documents to

establish that he was regularly paid monthly wages. Taking all this into consideration I am of the opinion that this reference has merit and accordingly I proceed to pass the following order :

ORDER

The reference is allowed holding that the claim of the employee is correct and termination is not justified. Accordingly the second party management is directed to regularise the services of the first party workman as Typist cum Clerk w.e.f. June 1984 together with all consequential benefits, backwages, seniority as prayed by the first party.

(Dictated to PA transcribed by her corrected and signed by me on 4th June 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का०आ०. 1729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/294/98-आई.आर. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi the 21st June, 2001

S. O. 1729.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/294/98-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 132 of 1999

Ref. No. 5(c) of 2001

Management of UCO Bank Zonal Office, Maurya Lok Complex, Patna and their workman Shri Gorakh Saw as represented by UCO Bank Employees Association, Patna.

For the Management : Sri P.K. Sinha, A.C.O., UCO Bank, Patna

For the Workman : Sri B. Prasad, State Secretary, UCO Bank Employees Association, Patna

PRESENT : Sri S.K. Mishra, Presiding Officer, Industrial Tribunal, Bailey Road, Patna.

AWARD

The 8th June, 2001

Initially the Central Government in exercise of powers u/s 10(1)(4) of the Industrial Disputes Act by Notification No. L-12012/294/98-IR(B-II) dated 13-5-1999 referred the

following industrial dispute between the Management of UCO Bank, Zonal Office, Maurya Lok Complex, Patna and their workman Sri Gorakh Saw as represented by UCO Bank Employees Association, Patna for adjudication to the Central Govt. Industrial Tribunal No. II, Dhanbad.

"Whether the claim of Sh. Gorakh Saw that he had worked for more than 240 days continuous service in a Calendar year with the management of UCO Bank Arrah Branch from 1-6-1989 to 12-4-1997 is correct ? If so, whether the Management is justified in terminating him from service ? If not, what relief the disputant is entitled to ?"

2. Subsequently by notification [No. L-12012/294/98-IR(B-II)] dated 23-11-2000 the Central Government withdrew the proceeding of the said dispute from the Central Govt. Industrial Tribunal No. II, Dhanbad and transferred it to this Tribunal for adjudication.

3. Both parties have filed their respective written statements. The claim of the workman as stated in his written statement in brief is that on 1-6-1989 the workman Sri Gorakh Saw was orally appointed by the management of UCO Bank, Arrah Branch, District Bhojpur as casual worker for discharging the duties of a Peon. He worked continuously from 1-6-1989 to 12-4-1997. The workman had also worked prior to 1-6-1989 intermittently during the years 1984, 1985. When he went to perform his duties on 14-4-1997 he was not allowed to work and he was informed that his services were no longer required. It is claimed that the workman worked for more than 240 days in 12 calendar months preceding his retrenchment. The workman used to perform all the duties of a regular peon such as taking out ledgers/registers, carrying token books/scroll registers from the Accounts to Cash Department and *vice versa*, posting and bringing mail from the Post Office, distribution of Daks through the Peon Book etc. He worked from 10 A.M. to 6 P.M. It is said that at the time of termination neither any notice nor any pay in lieu of notice nor any retrenchment compensation was given to the workman as per the provisions contained in Section 25F of the I.D. Act. After the termination the workman prayed the management several times for reinstatement but without any result. Ultimately finding no other way he approached the union for espousing his case before the appropriate authority and accordingly an industrial dispute was raised before the A.L.C. (C), Patna. The A.L.C. (C), Patna held conciliation proceedings between the parties but without any success due to the stubborn attitude of the Management. At last the Conciliation Officer submitted his failure report before the Ministry of Labour, Govt. of India, New Delhi. The Ministry of Labour, Govt. of India ultimately referred the dispute to the Central Tribunal No. II Dhanbad for adjudication. It is said that initially the workman was paid Rs. 5/- per day and subsequently it was increased to Rs. 60/- per day as his wages. Although the workman performed all the duties of a peon he was denied the wages which the regular Peon received for similar nature of duties. Thus, the management violated the State Policy of 'Equal pay for equal work'. According to the workman his termination is arbitrary, whimsical and illegal. The workman has prayed for reinstatement in service with payment of back wages and also for regularisation as Peon in Bank subordinate cadre.

4. The case of the management as has been made out in its written statement in brief is that the concerned workman had been engaged by the Branch Manager of Arrah Branch of UCO Bank on casual basis for performing certain contingent nature of work who had no authority to engage. Thus the engagement was void *ab initio*. Ever since the nationalisation, the UCO Bank has become a State within the meaning of article 12 of the Constitution of India and is obliged to function within the parameters of articles 14 and 16 of the Constitution of India in the matter of appointment. In the present case the normal procedure for appointment was not followed. No advertisement was made inviting applications including requisition of names of candidates from the local Employment Exchange. Further there was no vacancy of Peon in the Branch when the workman had been engaged. According to the management as the workman was engaged unauthorisedly and unconstitutionally he cannot maintain a legal right for continuation of such a working in the guise of the provisions of the I.D. Act. At no time approval to the engagement or payment of wages was obtained from the competent authority. No appointment letter was issued to the workman.

5. Further case of the Management is that the Bank has been incurring heavy losses since last several years. The expenditures incurred over payment to illegitimately engaged workmen come to Rs. One crore approximately per year in Bihar alone. A policy decision was taken by the Management to discontinue engagement of such casual workers including the concerned workman. On 29-3-1997 the Zonal Manager of the Bank directed that no engagement of casual workers excepting those who stand empanelled as casual workers would be made by any Branch Manager or Head of the Office. It is also made clear that the authority making such engagement will personally be responsible for such engagement.

6. The further case of the management is that Sri Saw had not been appointed to discharge the duties of a Peon. He might have performed the duties of contingent nature like serving water and tea to the staff. Whatever was paid was in consideration of doing casual and contingent nature of job as prescribed by the Central Govt. Neither Sri Gorakh Saw was maintaining a time schedule in attendance nor was he required to maintain any such schedule by the management. It is denied that the services of Sri Saw were terminated since there was no appointment made. The action of the Management in not engaging Sri Saw does not amount to retrenchment as per the Industrial Disputes Act since he had no right to any post in the Bank. According to the Management the workman is not entitled to any relief.

7. A rejoinder to the written statement of the Management has also been filled on behalf of the workman reiterating his case. According to the workman he is a workman within the definition of Section 2(s) of the I.D. Act and his termination is retrenchment within the meaning of Section 2(QQ) of the I.D. Act. As the mandatory provisions of Section 25F were not complied with the retrenchment is illegal. Once a Reference is made for adjudication the dispute is to be decided within the conceptual framework of the I.D. Act. The words 'authorised/unauthorised', 'regular/irregular' are alien to the I.D. Act. The Management resorted to unfair labour practice while extracting the services of the workman on exploitive basis as per Schedule V of the I.D. Act. The management while keeping

the workman on tenterhook for years did not act properly and fairly with him.

8. The following issues arise for adjudication :—

(i) Whether Sri Gorakh Saw had worked for more than 240 days continuous service in a calendar year from 1-6-1989 to 12-4-1997 and if so whether the Management of UCO Bank, Arrah Branch is justified in terminating the service from 13-4-1997 ?

(ii) If not to what relief or reliefs is the workman entitled to ?

FINDINGS

9. *Issue No. (i)* :—Before I proceed to decide the issue, I would like to mention briefly the evidence, both oral and documentary, adduced by the parties in the case. The management has not adduced any oral evidence. Only one witness has been examined on behalf of the workman and he is the workman Sri Gorakh Saw himself. In his evidence the workman has fully supported the facts of the case as detailed in his written statement. In his evidence he has said that he worked in the Arrah Branch of UCO Bank from 6-1-1989 to 12-4-1997 continuously. He performed the normal duties of a permanent peon such as distribution of Daks, stitching of currency notes, visiting post office for posting and bringing mails etc. He worked from 9 A.M. till 6 P.M. on every working day. Initially he was paid Rs. 5/-. Subsequently it was increased to Rs. 10/-, Rs. 15/-, Rs. 18/-, Rs. 30/-, Rs. 40/- and ultimately to Rs. 60/- as his wages per day. He had been appointed and removed from service orally. He worked a total period of seven years and ten months continuously. He also worked more than 240 days in a year preceding his retrenchment. No notice or notice pay or retrenchment compensation had been given to him before his retrenchment. He has claimed for reinstatement, payment of back wages and also for regularisation of his service. In cross-examination he has said that prior to joining the Bank he was working in a stationery shop near the Branch Office and it was the Branch Manager who had approached him for engagement in the Bank. Further he has said that there was no permanent peon in the Branch when he had joined the Bank.

10. Both parties have filed zerox copies of certain documents which have been admitted into evidence on formal proof having been waived by each other. First I would like to mention the documents filed on behalf of the Management. Ext. M is the circular of the Branch dated 21st of March, 1990 with regard to empanelment of casual workers for absorption in existing vacancies in terms of settlement dated 12-10-1989. It is made clear that till the absorption on permanent basis the empanelled casual workers may be utilised against leave vacancies. It was directed that no engagement of casual worker will be authorised henceforth and if such engagements were made the authority shall personally be accountable for such lapses. Ext. M/1 is the zerox copy of the letter dated 29-3-1997 from the zonal office for disengaging the casual workers other than empanelled casual workers. Ext. M/2 is one another circular of the Bank dated 23-4-1997 again prohibiting engagement of unempanelled casual workers in the offices. A direction was given to the Branches and other offices to disengage the daily casual workers other than empanelled casual workers by 10th May, 1997. It becomes apparent that the concerned workman was disengaged w.e.f. 13-4-1997 by the Branch Manager in view of the direction of the Head Office contained in this circular. Ext. M/3 is a letter from the Reserve

Bank of India dated 16-12-1997 stating therein that the earlier ban would continue for fresh recruitment of staff including for replacement of retirements, resignation etc. except recruitment of specialised Probationary Officers with the prior approval of RBI/Go I. Ext. M/4 is the zerox copy of the order of the Calcutta High Court dated 4-8-1999 passed in W.P. No. 1390 of 1990. It was a writ petition for absorption of the remaining empanelled daily wages workers in the vacancies of the subordinate staff in pursuant to the agreement dated 12-10-1989 made between the Management of the Respondent Bank and the Unions. This order shows that under the said settlement between the Management and unions the casual workers working continuously for 240 days or more in the subordinate cadre during period of three years immediately preceding the settlement were to be absorbed in the permanent vacancies. The casual workers entitled for being absorbed in terms of the said settlement were empanelled for such absorption in vacancies as and when arose. The order further shows that altogether 430 casual workers were empanelled for absorption out of whom only 69 casual workers could be absorbed. Some of the remaining empanelled workers filed the writ petition before the Calcutta High Court stating therein that though there were vacancies they were not being absorbed. The Hon'ble Calcutta High Court ordered that the Bank authorities should consider the case of the petitioners and shall absorb the rest of the casual workers as and when restriction for appointment by the R.B.I. was lifted. Ext. M/5 is the zerox copy of the circular of the Bank dated 29-12-1983 relating to the procedure to be followed for recruitment to the posts in subordinate cadres. It has been filed by the Management to show that the procedure for recruitment was not followed while engaging the concerned workman.

11. As regards the documents filed on behalf of the workman Ext. W is the zerox copy of the letter dated 4-7-1997 from the Branch Manager to the Divisional Manager, UCO Bank, Patna. The letter shows that the workman Sri Gorakh Saw had been working in the Branch on payment of daily wages since 1-6-1989. It is also mentioned that Branch Manager earlier had sent information to the Divisional and Zonal office in this regard to November, 1989, again on 12-4-1991, 21-4-1992, 17-7-1992 and finally on 25-4-1994. The workman was getting Rs. 60/- as his wages per day. Ext. W/1 is a statement submitted by the Manager, Arrah Branch before the Zonal Office, Patna giving the particulars of the workman. Ext. W/2 series are zerox copies of two vouchers. Ext. W/3 is zerox copy of extracts of the payment book from 7-12-1995 to 23-8-1996 showing particulars of payments made to the workman Gorakh Saw. The record shows that on 16-7-1999 a petition was filed on behalf of the workman requiring the Management to file relevant documents regarding the details of work and payments made to the workman. In compliance to this letter the Management filed its reply on 26-8-1999. This reply submitted by the Management has been marked Ext. W/4 on behalf of the workman. According to this reply the workman worked in the Branch from 1-6-1989 to 12-4-1997. He worked 549 days till 20-1-1992, 270 days from 21-1-1992 to 31-12-1992, 284 days in 1993, 282 days in 1994, 283 days in 1995, 281 days in 1996, and 78 days in 1997 till 11-4-1997. In this reply the rates of wages have also been mentioned.

12 The fact that the concerned workman Sri Gorakh Saw worked in the Arrah Branch of UCO Bank from 1-6-1989 to 12-4-1997 is not disputed. According to the Management

Sri Saw did not perform the duties of a Peon but he performed the duties of contingent nature like serving water tea etc. to the staff. The Management has, however, not adduced any evidence either documentary or oral to show that in fact Sri Saw performed only contingent nature of work during the aforesaid period of his engagement. On the other hand the oral evidence of the workman and also Exts. W, W/1, W/2, W/3 and W/4 clearly go to prove that Sri Saw was all along performing the duties of a regular Peon through out the period of his engagement. Thus, I have no hesitation to hold that Sri Gorakh Saw worked as a casual worker for more than 240 days continuously as a casual worker from 1-6-1989 to 12-4-1997.

13. It was submitted on behalf of the Management that as Sri Saw had never been appointed and as his services were not terminated there was no requirement for compliance of provisions of section 25F of the I.D. Act. But it is well settled law that for the applicability of the provision of section 25F of the I.D. Act there need not be any formal letter of appointment or formal order in writing of termination. Termination effected not by any voluntary order will also come within the meaning of the retrenchment u/s 82(oo) of the I.D. Act (1994 P.L.J.R. page 612). The pleas of the Management that the Branch Manager who had engaged Sri Saw had no authority to make such engagement or that the procedure prescribed for recruitment to sub-staff was not followed while engaging Sri Saw and that since Sri Saw had been engaged illegally and unauthorisedly he cannot be reinstated to such illegal appointment—can not be of any avail to the Management. It is now well settled law that the provisions of section 25F are applicable even to a daily rated workman who had continuously served for 240 days in a year [(1997) 11 S.C. cases page 396—*Rattan Singh Vs. Union of India and another*]. A daily rated workman, who has completed service for 240 days within the meaning of S. 25-B, can not be terminated from service on the ground of even misconduct without a departmental enquiry or without complying the provisions of S. 25F of the I.D. Act. [(1994)(2) P.L.J.R. page 669, A.I.R. 1994 S.C. page 1633]. Service terminated in violation of section 25F of the I.D. Act—the order of termination is rendered abinitio void and an employee is entitled to continuity of service with full back wages [1989 S.C. cases (L & S) page 565—*Navotam Chopra Vs. Presiding Officer, Labour Court and others*]. Termination of employment on the ground of appointment being illegal will itself qualify as retrenchment within the meaning of section 2(oo) of the I.D. Act. The idea of illegal or invalid appointment is quite foreign to the scheme of the I.D. Act. Section 2(s) of the I.D. Act, which defines 'workman' does not have any such distinction [1994 (2) P.L.J.R. page 249—*Mithlesh Kumar Singh Vs. State of Bihar*].

14. In the present case it is admitted that the provisions of section 25F of the I.D. Act were not complied with before the termination of the workman and so I have no hesitation to hold that the action of the Management of UCO Bank, Patna in terminating the services of the workman Sri Gorakh Saw was not justified. This issue is accordingly decided and answered.

15. *Issue No. (ii).*—As has been held by the Hon'ble Supreme Court in *Navotam Chopra* case referred earlier if the service of a workman is terminated in violation of section 25F of the I.D. Act the order of termination being abinitio void the employee ordinarily will be entitled to continuity of service

with full payment of back wages. In (1996)2 S.C. cases page—293 *Conservator of Forest and another Vs. Jagannath Maruti Kondhawe and another* the Hon'ble Supreme Court held that casual workers employed in schemes with permanent basis working for 100 to 300 days in each year and being continued as casual for five or six long years—unfair labour practice—in such circumstances the order of the Industrial Court to make such workman permanent with all consequential benefit was upheld and the Department's plea of financial difficulties was rejected.

16. In the light of the aforementioned judicial decisions I hold that the concerned workman is entitled to be reinstated in service w.e.f. the date when his service was terminated i.e. from 13-4-1997 with payment of full back wages. Since the workman has put in several years of service in the Bank he is also entitled for regularisation of service but in view of the fact that even some of already empanelled casual workers have not been absorbed in permanent posts till now in view of the restriction imposed by the R.B.I. with regard to fresh recruitment, it is not possible to order for regularisation of the concerned workman right way. The Management, however, should treat the present workman Sri Gorakh Saw as an empanelled casual worker in the spirit of the 1989 settlement between the Management and the Unions, and must consider to absorb in the permanent post of sub-staff along with other empanelled casual workers when the restriction for fresh recruitment is lifted by the R.B.I. Accordingly the reference is answered. Let the Management implement the Award within the period of 30 days from the date of the publication of the award.

17. This is my award.

S.K. Mishra, Presiding Officer

8-6-2001.

नई दिल्ली, 21 जून, 2001

का. आ. 1730.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडीकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/278/96-आई.आर.(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S. O. 1730.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/278/96-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

DATED : 31st MAY 2001
Present : Hon'ble Shri V.N. Kulkarni
B.Com. L.L.B.
Presiding Officer
C.R. No. 206/97

I Party	II Party
The General Secretary, Syndicate Bank Staff Association, Ananda Plaza, II Floor, Near Ananda Rao Circle, Bangalore-9 Advocate—Shri N.G. Phadke	The Zonal Manager, Syndicate Bank Zonal Office, Gandhinagar, Bangalore-9 Advocate— Shri N. Venkatesh

AWARD

1. The Central Government by exercising the power conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/278/96/IR(B-II) dated 4th March, 1997 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Syndicate Bank is justified in terminating the services of Shri M. Suresh from service? If not, to what relief the said workman is entitled.”

2. The first party filed claim statement. The case of the first party is as under :

3. The first party workman joined the second party bank as temporary attended on 5-4-1984 and he has continuously worked for 240 days. The management has absorbed other attenders and terminated the services of this workman. Therefore the action of the management is illegal and has prayed that award may be passed in his favour.

4. The management filed Written Statement. The case of the management in brief is as under :

5. The main contention of the management is that the workman continues to be in the panel of temporary attenders and the Bank has not removed his name from the panel. The question of regularising the services as a permanent attender arises only when there is a vacancy and he is found eligible and suitable by the Bank. As and when a vacancy arises, the first party's case will be considered in accordance with rules for the purpose of regularisation. For these reasons the management prayed to reject the reference.

6. During the pendency of the proceeding the matter was posted for evidence. The learned counsel for the second party management submitted that after the termination again the first party is taken on work and he is attending duties as an Attender. He also submitted that the workman will be regularised on seniority basis. The learned counsel for the first party and the President of the Union submitted that the direction be given to regularise the workman as per seniority and the matter be disposed off.

7. I have considered the statements made by both parties and I allow the reference and pass the following order

ORDER

The reference is allowed and the management is directed to regularise the workman according to Seniority. Accordingly the matter is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 31st May 2001.)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का. आ. 1731.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/259/98-आई.आर.(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S. O. 1731.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/259/98-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JAIPUR

Case No. CITJ-68/99

Reference No. L-12012/259/98-IR(B-II)

Dated : 14-10-1999

Suresh Kumar

S/o Shri Ghever Lal Jee, Caste Harizan

R/o Mount Abu Delwada, Bapubasti Distt : Serohi.

APPLICANT

V/s

1 The Branch Manager, Union Bank of India,
Mount Abu Branch, Distt : Serohi

2 The Assistant General Manager, Union Bank of India,
S.D.M Hospital Compound, Bhawani Singh Marg, Jaipur.

NON-APPLICANTS

ATTENDANCE

For the applicant : Shri Surendra Singh, Advocate

For the non-applicant : Shri Rupen Kala, Advocate :

Date of Award : 1-6-2001

AWARD

The Central Government vide order No. mentioned above has referred the following dispute under clause (d) of

sub-section (1) of Section 10 of Industrial Dispute Act 1947 (hereinafter referred as Act, 1947 for adjudication.

“Whether the action of the Branch Manager, Union Bank of India, Mount Abu, District Sirohi (Rajasthan) is justified in terminating the services of Mr. Suresh Kumar from the post of Sweeper ? If not, what relief is the workman entitled?”

The applicant filed the statement of claim stating that he was engaged in branch Mount Abu of the Union Bank of India (hereinafter referred as the Bank) on 1-10-94 on the vacant post of sweeper on daily wage @ Rs. 10/- per day. His wage thereafter was increased from time to time. He used to work as regular employee. On 1-8-97 the non-applicant terminated his services by an oral order by adopting unfair labour practice. It was stated that his name was recommended for regularization to the Assistant General Manager vide letter dt. 24-5-95 and Assistant General Manager also made the same recommendation to the Chief Manager vide letter dt. 6-6-95. In spite of that his services were terminated on 1-8-97 without giving any notice, or pay in lieu of notice and compensation while he had continuously worked from 1-10-94 to 1-8-97 and also worked therefor more than 240 days in the year preceding to the date of termination. It was also alleged that Prajapati Brahma Kumar & Ganesh who were appointed after him are still working in the extension counter of the Branch Mount Abu. The non-applicant thus has violated provisions of Section 25 (F) (G) & (H) of the Act, 1947 & Rule 77 & 78 of the Industrial Disputes Rules 1957 (hereinafter referred as Rules, 1957). It was prayed that the order of termination from service dt. 1-8-97 be declared as illegal & the applicant be reinstated in service with continuity in service with back wages.

The non-applicants in reply to the claim has stated that the applicant does not fall within the definition of 'workman'. The applicant was engaged as part time sweeper and for filling water etc on daily wage as and when required. The Branch Manager had no right to appoint him. The applicant had worked during the period from 5-10-94 to 30-4-97 the details of which have been stated in Para 3 of the reply which are as under :—

PERIOD	DAYS
5-10-94 to 15-10-94	10 Days
24-10-94	
1-11-94 to 30-11-94	22 Days
1-12-94 to 31-12-94	26 Days
1-3-95 to 31-3-95	25 Days
1-4-95 to 29-4-95	22 Days
1-5-95 to 31-5-95	26 Days
1-7-95 to 31-7-95	23 Days
15-8-95 to 31-8-95	12 Days
1-10-95 to 20-10-95	13 Days
21-10-95 to 31-10-95	7 Days
20-5-96 to 31-5-96	10 Days
1-6-96 to 29-6-96	25 Days
1-7-96 to 31-7-96	27 Days
1-8-96 to 24-8-96	20 Days
26-8-96 to 20-9-96	21 Days
24-9-96 to 25-9-96	2 Days
4-11-96 to 30-11-96	18 Days

1-12-96 to 10-12-96	8 Days
11-12-96 to 31-12-96	17 Days
1-2-97 to 28-2-97	20 Days
1-3-97 to 10-3-97	8 Days
5-4-97 to 30-4-97	19 Days

It was denied that the applicant's services were terminated on 1-8-97. It was stated that after 30-4-97 the applicant did not turn up himself for work. It was also stated in the alternative that in case of daily wage service comes to an end daily. The applicant's case also falls under section 2(oo) (bb) of the Act, 1947. It was stated that the applicant has not given details of the person alleged to be junior to the applicant and having been retained in service.

On the basis of the pleadings of the parties the following points of dispute were framed :—

विवाद बिन्दु

(1) आया प्रार्थी ने अप्रार्थी संस्थान में दैनिक मजदूरी के आधार पर दिनांक 1-10-94 से 1-8-97 तक लगातार कार्य किया व 1-8-97 के पूर्व के वर्ष में 240 दिन से अधिक कार्य किया ?

(2) आया प्रार्थी के द्वारा दिनांक 1-8-97 से प्रार्थी की सेवा समाप्त कर दी गई ?

(3) आया प्रार्थी श्रमिक की परिभाषा में नहीं आता ?

(4) आया अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्त औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ एवं 25-जी व औद्योगिक विवाद (केन्द्रीय) 1957 के नियम 77 का उल्लंघन कर की गई ?

(5) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

On behalf of the applicant the affidavit of the applicant was filed. The learned counsel for the non-applicant was given opportunity to cross-examine him on his affidavit. In the form of documentary evidence copy of letter to the Branch Manager and Assistant General Manager, copy of order of the High court were filed.

On behalf of the non-applicant affidavit of Indramohan Agrawal, Branch Manager of Branch Bhilwara of The Bank and R.S. Rajawat, the then Branch Manager of the Bank of Mount Abu were filed. The learned counsel for the applicant was given opportunity to cross-examine them on their affidavits. In the form of documentary evidence copies of the application submitted by the applicant and payment vouchers marked M-1 to M-33 and copy of application marked M-34 were filed.

Arguments of the learned counsels of the parties heard and the record per used. The points of disputes mentioned above are decided as follows :—

Point No. 1 & 2;—It is not disputed that the applicant worked in the Mount Abu branch of the Bank on daily wage. The applicant in his statement in cross examination has stated that the details about his work given in A to B at page 3 of the reply to the statement is correct. The period of work as given in para 3 of the reply has already been mentioned above according to which the applicant has worked from 5-10-94 to 30-4-97. The applicant has stated that sometimes the officer concerned used to change his name but the vouchers were signed by him. He has admitted that he did not make any complaint about the same. He has also admitted that in the statement of claim it has not been mentioned that work was taken from him in the name of other persons. In view of these

facts the statement of the applicant that he worked in the name of other persons seems to be after thought and is not believable. On behalf of the non-applicant Indramohan Agrawal and R.S. Rajawat have also stated that the applicant did not work after 30-4-97. Their statements are also supported from the copy of the application dt. 27-8-97 addressed to the Branch Manager by the applicant marked M-34 in which it has been admitted that he had worked upto April 1997 in the branch of the Bank. There is not denial on behalf of the applicant about the contents of the application. It is thus proved that the applicant had worked during the period from 5-10-94 to 30-4-97 only, as per the details given above. The details given above do not show that the applicant has worked continuously even during the period from 5-10-94 to 30-4-97. In the year 1994 he had worked for 58 days. In the year 1995 he had worked for 128 days. In the year 1996 he had worked for 148 days, and in the year 1997 he had worked for 47 days. In the year preceding to the date 1-8-97 alleged to be the date of termination he had worked for 133 days and even if Sundays are added the total period during which he had worked does not come to 240 days. It is, therefore, not proved that during the year preceding to 1-8-97 the applicant had worked for 240 days or more.

The applicant has stated that his services were terminated on 1-8-97. He had denied the suggestion that he did not work after 30-4-97. The case of the non-applicant is that the applicant did not turn up for work after 30-4-97. Indramohan Agrawal on behalf of the non-applicant has stated that the applicant did not work after 30-4-97. R.S. Rajawat has stated that the applicant did not turn up for work after 30-4-97. It may be stated that there is nothing in writing about the termination of the service of the applicant. The applicant in his application marked M-34 has not stated that his services were terminated by the non-applicant. It can not therefore, be inferred that the applicant went to work on 1-8-97 and was denied to work. In these circumstances it is difficult to believe that the applicant's services were terminated on 1-8-97. It is, therefore, not proved that the applicant's services were terminated on 1-8-97.

Point No. 3—The learned counsel for the non-applicant has not pressed this point.

Point No. 4 :—As the applicant has failed to prove that his services were terminated on 1-8-97 the question of his retrenchment on that date does not arise and provisions of 25(F) (G) of the Act 1947 and rule 77 of Rules 1957 are not attracted. Even for the sake of arguments it is assumed that the applicant's services were terminated on 1-8-97, he did not work for 240 days during the year preceding to the above date. It is also not proved that the applicant had worked continuously during in any year. For this reason also section 25(F) is not attracted. There being no evidence that the applicant had worked after 30-4-97 and had requested for employment after about 5 months for employment, he might have left the job himself. The question, therefore, of his retrenchment also does not arise and for this reason also the question of violation of the provisions of section 25(F)(G) of the Act, 1947 and 77 of the Rules 1957 does not arise.

The learned counsel for the applicant has contended that the termination of the services of the applicant may be treated as on 1-5-97 and there being evidence that juniors to the applicant were retained in the service at the extension counter

of the Mount Abu Branch, therefore, provisions of section 25(G) are attracted. Contrary to the pleadings termination of the services of the applicant cannot be treated as on 1-5-97 and, therefore, the above contention can not be accepted. The point is, therefore, decided against the applicant.

Point No. 5:—On the basis of the findings given above the applicant is not entitled to any relief.

The copies of the Award may be sent to the Central Government under section 17(1) of the Act, 1947, for publication

Sd/- Illegible

Presiding Officer

नई दिल्ली, 21 जून, 2001

का. आ. 1732.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-01 को प्राप्त हुआ था।

[सं. एल-12012/250/8-डीII (ए)-आई आर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1732.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 21-6-01.

[No. L-12012/250/88-DII(A)-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT 'SHRAM SADAN',
III-MAIN, III-CROSS, II PHASE,

TUMKUR ROAD, YESHWANTIPUR, BANGALORE

DATED : 4th June 2001

PRESENT : HON'BLE SHRI V.N. KULKARNI

B com. LLB PRESIDING OFFICER

C.R. No. 57/94

I PARTY

Shri Yeshwant Uchail

C/o M.R. Achar,

Udipi-576101

Advocate—

Shri K. Dinakara
Holla

II PARTY

The General Manager,

Syndicate Bank H.O.,

Manipal-576119

Advocate—

Shri B.C. Prabhakar

AWARD

1 The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/250/88/D II A/IR (B-II) dated 26-5-94 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management Syndicate Bank, Manipal in imposing the punishment of stoppage of two increments of Shri Yeshwant Uchail, Clerk vide their order dated 13-11-86 is justified ? If not, what relief is the said workman entitled to?”

2. The workman of the first party union was working with the second party. Charge sheet was issued and after holding enquiry punishment of stoppage of 2 increments was imposed. Therefore, dispute is raised.

3. The first party appeared and filed Claim Statement.

4. The case of the first party in brief is as under :

5. The first party had availed privilege leave during the period from 18-4-1981 to 5-5-1981 availing LFC and went on tour to various places in South India by bus. The said tour programme was conducted by M/s Gem Tourist Corporation, Mangalore. The father and the unmarried sister of the first party workman had also accompanied him in the tour programme. On completion of the said tour programme, the first party workman submitted a bill dated 8-5-91 for Rs. 1,229 under Leave Travel Concession Scheme along with the money receipt dated 5-5-1981 for Rs. 1,170 being issued by the aforesaid Travel Agency, i.e. M/s. Gem Tourist Corporation, Mangalore. Accordingly, the second party had passed the bill for payment on 11-5-1981 for Rs. 1,229/.

6. After the lapse of one year, the second party issued a letter asking certain particulars. Though the first party had furnished all the details the second party issued show cause notice because the first party union had not performed the journey along with family members and with a dishonest intention of making unlawful gain the first party workman produced a receipt which was not genuine. Charge sheet was issued and enquiry was held. The enquiry was not correctly conducted. The witness were not cross examined. Full opportunity was given to the first party to defend himself. The action of the management is not correct. First party workman has prayed to pass award in his favour.

7. Second Party appeared and filed Counter.

8. The case of the Second party in brief is as under :

9. The first party was working at Davanagere Branch, he was sanctioned PL for 17 days from 18-4-1981 to 5-5-1981 to avail leave fare concession(LFC) and he submitted bill for Rs. 1,229/- claiming reimbursement of travel expenses incurred for self and his dependents viz, father and sister. He also produced receipt. The particulars of the vehicle number were furnished. It is the further case of the second party that the first party workman had not undertaken journey along with his family members and with a dishonest intention of making unlawful gain, the first party workman produced a receipt dated 5-5-1981 purported to have been issued by M/s. Gem Tourist Corporation for Rs.1,170/- in support of his LFC claim. His claim was not correct. He committed misconduct. Charge sheet was issued and enquiry was held. So far as enquiry is concerned the case of the second party is that the enquiry is fair and proper and all the necessary procedure was followed. Full opportunity was given to defend the workman and the allegations made by the first party are not correct. The first party workman fully participated in the enquiry. The misconduct was proved. The management invoke the punishment of stoppage of two increments. The action of the management is correct.

10. It is the further case of the second party that the employees working in a sensitive institution like Banks should possess the qualities such as honesty and integrity while discharging their duties assigned to them. In fact, the Bank is the custodian of the public money. If the persons like the first party against whom serious charges of misusing the Bank's money were levelled and which have been proved in the enquiry are allowed without imposing any punishment, it would be against the public interests and affect the discipline and morale in the Organisation. In the instant case, although the misconduct committed by the first party is serious in nature, which warranted an extreme punishment of dismissal, but the second party Bank took a lenient view and instead of dismissing him, it imposed a punishment of stoppage of two increments by its order dated 13-11-1986. The above action of the Bank is fully legal, proper and justified.

11. The second party has said that the punishment is proper. Parawise replies are also given. Second party for these reasons has prayed to reject the reference.

12. It is seen from the records that Chief Officer of the Bank was examined as MW and various documents are marked in his evidence. Against this workman got examined himself and documents are marked in the evidence.

13. It is seen from the records that my learned predecessor by an order dated 15-7-1999 gave finding in the affirmative holding that the enquiry is fair and proper. Thereafter the matter was posted for arguments.

14. I have heard both sides. I have carefully perused all the documents and the evidence produced before the Enquiry Officer. I have carefully examined all the relevant documents of the enquiry.

15. In order to say that the punishment is not proportionate, the first party has to show that the enquiry report is not correct and the report is perverse and the misconduct is not proved. But at the very outset I am of the opinion that the enquiry is correct and there is no perversity in the finding given by the Enquiry Officer. Admittedly the first party workman is working in the Nationalised Bank and he is expected to work with honesty and integrity and the charge is serious. The claim put forward by the first party workman was false.

16. It was argued by the learned counsel for the first party that the statement was not recorded and there is no clear and cogent evidence to say that the first party has filed false documents. During the enquiry all that is correctly examined by the Enquiry Officer and the evidence and the documents marked during the enquiry is sufficient to say that prima facie the claim put forward by the first party workman is not genuine. The standard of evidence recorded is sufficient for the disciplinary proceedings. First party workman admitted in his cross examination that Ex.M3 is the document produced by him in the enquiry and he is unable to name the person who has signed in Ex.W2. He has also stated in his cross examination that he did not perform the tour along with his father and sister. Except what is narrated in the proceedings no separate letter was given to call the authors of letter M-Ex.3 to M-Ex.6 and examined them on his behalf.

17. If we consider all this it is clear that the Enquiry Officer has considered the evidence properly and the findings given by him is correct and there is no perversity in the finding. In my opinion, the punishment imposed is quite proportionate

and this reference has no merit. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her, corrected and signed by me on 4th June, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का. आ. 1733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/229/96-आई आर-(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1733.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/229/96-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT, 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE-560022

DATED : 1st JUNE, 2001

PRESENT : HON'BLE SHRI V.N. KULKARNI

B. COM., LLB

PRESIDING OFFICER

CGIT-CUM - LABOUR COURT

BANGALORE

C.R. No.4/99

I PARTY

The General Secretary,
Syndicate Bank
Employees Association,
P.B. No. 165
Belgaum-560002

II PARTY

The Personnel Manager,
(IRD)
Syndicate Bank,
Head Office,
P.B. No. 1,
Manipal-576 119

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/229/96-IR(B-II) dated 6th January, 1999 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Syndicate Bank, in fixing the pay of Shri G.K. Shanbhag on his promotion from the post of Sub-staff to Clerk w.e.f. 21-7-86 is correct? If not, what relief the said workman is entitled to".

2. The first party workman of the union was working with the second party management as Clerk. His pay was not fixed on his promotion so industrial dispute is raised.

3. First party workman union appeared and filed Claim Statement.

4. The case of the first party in brief is as under :

5. The first party Syndicate Bank Employees Association is a registered trade union having its office at Belgaum. He joined the services of the second party bank as a sub-staff in the year 1976. He has cited some circulars in para 6 of the Claim Statement. His main grievance is that he was drawing a basic pay of Rs. 524 on 1-7-1986 and his increment was due on the very same month. The next one increment as sub-staff is required to be added in terms of the fitment formula dated 12-2-88. If both are together added, it should be Rs. 540. He was promoted on 21-7-86. But however, the increment due to him on 1-7-86 was not given to him. If Rs. 16 is added to Rs. 524, it becomes Rs. 540. Therefore the action of the management is not correct. All these things are stated in para No. 7 of the Claim Statement in detail. The circular issued by the bank is binding on all the parties concerned. He filed Writ Petition before the Hon'ble High Court of Karnataka in W.P. No. 16528/97 and accordingly the reference is made. For all these reasons the first party has prayed to pass award in his favour.

6. The second party filed counter.

7. The case of second party in brief is as under.

8. The allegations made by the first party are denied parawise and certain admitted facts are also stated in paras 2(a) and 2(b) of the Counter.

9. In my opinion the contention raised in para 3 are relevant. The case of the management is that the bank initiated promotion process to clerical cadre vide Circular No. 40/86/BC/dated 28-1-1986 and vide letter dated 12-2-86, that I party employee applied for the same. It is true that he was promoted to clerical cadre vide order dated 2-7-86 and the promotion was effective from 21-7-86. It is true that he reported for duty at Yellapur Branch of the second party as probationary Clerk on 21-7-1986 and he was confirmed on the grade of clerk w.e.f. 21-1-1987. It is true that his basic pay at the time of his promotion on 21-7-1986 was Rs. 524.

10. It is further stated in para 4 that the Circular 45/88 referred there in is applicable to the sub-staff promotion process held during 1987. The first party was promoted in the year 1986 and the relevant circular applicable to him is Cir. 112/855/BC/6 HRDD/MPRDS dated 20-4-1985. The averments of the first party in para 7 of his Claim Statement are not correct. The averment that the increment of Rs. 16 due to him on 1-7-86, was not given to him is denied. After release of increment due on 1-7-86, his basic pay became Rs. 524 which he was drawing on the date of his promotion i.e. on 21-7-1986. For all these reasons the second party has prayed to reject the reference.

11. I have heard both sides in detail. I have perused all the documents filed by the parties. Today second party has filed two documents. One is application filed by first party for voluntary retirement and the second is the letter of the bank.

12. It was vehemently argued by the learned counsel for the second party that the first party has applied for Voluntary Retirement and that has been accepted with conditions

mentioned in the acceptance letter and therefore, this dispute is not maintainable.

13. I have carefully considered the conditions for accepting Voluntary Retirement. The grievance of the first party is that on his promotion from the post of sub-staff to Clerk w.e.f. 21-7-86 is not correctly fixed and therefore he is entitled for that benefit even he was applied for Voluntary Retirement. At the very outset I am of the opinion that there is no merit in this contention. According to the management the circular relied by the management is not applicable to the first party.

14. It is clear from the records that the bank initiated promotion process to clerical cadre vide Circular No. 40/86/BC dated 28-1-1986 and vide letter dated 12-2-86, the first party employee applied for the same and he was promoted to clerical cadre w.e.f. 21-7-86. His basic pay at the time of Promotion on 21-7-1986 was only Rs. 524 and the allegations made by the first party are not correct. Circular No. 45/88 is applicable to the sub-staff promotion process and held during the year 1987. The first party was promoted in the year 1986 and the relevant circular applicable to him is Cir. 112/85/BC/6 HRDD/MPRDS dated 20-4-1985 and his basic salary was only Rs. 524 and he is in the sub-staff cadre is Rs. 650. On merits there is no case in favour of the first party. In view of the fact that he has applied for Voluntary Retirement and in the conditions for acceptance of Voluntary Retirement there is nothing regarding his grievance. This shows that he is taking Voluntary Retirement without imposing any conditions in respect of present grievance which is under dispute.

15. In other words without mentioning any thing about his grievance he has taken Voluntary Retirement. Therefore, now the first party in view of his Voluntary Retirement cannot claim anything. There is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 1st June 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का. आ. 1734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/227/93-आई आर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/227/93-IR(B-II)]

AJAY KUMAR, Desk Officer

213561/2001-17

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM -LABOUR COURT 'SHRAM SADAN',
III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

DATED : 30TH MAY 2001

PRESENT : HON'BLE SHRI V.N. KULKARNI B. Com. L.L.B
PRESIDING OFFICER

C.R. No. 21/94

I PARTY

N K. Appaiah
C/o A. C. Parvathy,
DFO's Office Working
Plan Division
Arayan Bhavan,
Ashokapuram,
Mysore-8

II PARTY

Deputy General Manager,
D. A. Cell,
Canara Bank,
Bangalore Circle,
86, N.R. Road,
Bangalore-2
Advocate :
Shri T.R.K. Prasad

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/227/923-IR(B)II- dated 17th February, 1994 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Canara Bank, Bangalore in dismissing Shri N. K. Appaiah, Clerk from service with effect from 14-5-1992 is justified? If not, what relief, is the workman entitled to?"

2. The first party workman was an Ex-serviceman, and he was appointed by the second party management in the year 1979 as a Clerk and chargesheet was issued that the misconduct was committed by him and enquiry was held. Thereafter the management dismissed him from service. Therefore dispute was raised

3. The first party appeared and filed Claim Statement.

4. The case of the first party is that the charge sheet was vague and lacks material particulars. The enquiry was not properly held. The charges were not proved but the management dismissed him from service and the action of the management is illegal. Regarding enquiry many allegations are made by him and said that the enquiry is not fair and proper. The punishment is not correct. Therefore the workman has prayed to pass award in his favour.

5. The second party filed counter and the case of the second party in brief is as under :

6. It is true that the first party was recruited as a Clerk during 1979. It is the further case of the second party that he has committed misappropriation of a sum of Rs. 900 belonging to a customer and tampered with the said customer's pass book. Accordingly charge sheet was issued. Not being satisfied with the explanation enquiry was held and on the basis of enquiry report he was dismissed and the order of the management is correct.

7. Regarding enquiry it is said that the same is fair and proper.

8. It is the further case of the management that the first party has misappropriated a sum of Rs. 9 in Tappal department and minor punishment was imposed on him. The bank industry being an organisation where honesty and integrity of the person is an utmost importance. The punishment of dismissal is proper and the same is valid. The second party for these reasons has prayed to reject the reference.

9. It is seen from the records that my learned predecessor passed orders holding that the domestic enquiry is fair and proper. Thereafter the matter was posted for arguments on merits. I have heard both sides.

10. It is seen from the records that on behalf of the management one witness was examined and the workman got himself examined as WW1.

11. I have heard both sides on merits. It was argued by the learned counsel for the second party that in the instant case domestic enquiry is held as fair and proper and according to the enquiry papers the management examined witnesses and the Enquiry Officer gave report and there is no perversity in the finding given by the Enquiry Officer. It was further argued by the learned counsel for the management that charges are proved and the first party workman being an employee of Nationalised Bank has misappropriated the amount of the customers and the punishment is quite illegal. On previous occasions also the first party workman committed misconduct and minor punishment was imposed. This is not a case for any leniency. It was further argued by the learned counsel for the second party that the banking industry being an organisation where honesty and integrity of the personal is of utmost importance as punishment awarded is appropriate. It was only submitted by the learned counsel for the first party workman that according to the case of the first party there was misappropriation of only Rs. 900 and this is a fit case to take lenient view and the punishment imposed is not proportionate.

12. In my humble opinion the learned counsel for the first party could not convince me as to how it is a fit case to take lenient view. It is the case of misappropriation. First party workman is the employee of a nationalised bank and is expected to work with honesty and integrity. The learned counsel for the second party in support of the arguments relied decision reported in AIR 2000 Supreme Court 3129, AIR 2000 Supreme Court 3131, AIR Supreme Court 2661, AIR Supreme Court 2663, AIR 2000 Supreme Court 3028. I have read the above decisions very carefully and I am of the opinion that it is true that the workman committed misappropriation and the first party could not convince anything so as to say that the enquiry report is perverse. In other words misappropriation is proved. It is held in AIR 2000 SC P 3129 that misappropriation is for small or large amounts, or that past record of employee is unblemished, irrelevant.

13. Taking all this into consideration I am of the opinion that the punishment is proper and the reference has no merit. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her, corrected and signed by me on 30th May 2001.

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ. 1735:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाइलाडिला आइरन और प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-06-01 को प्राप्त हुआ था।

[सं. एल-26012/2/87-डी-3 III (बी)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O.1735.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Baladila Iron Ore Project and their workman, which was received by the Central Government on 25-6-2001.

[No. L-26012/2/87-D-III(B)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/16/88

Presiding Officer : Shri K.M. RAI

Shri M.P. Pandey

Through Secretary,

Bastar Khadan Mazdoor Sangh(HMS),

2/B, New Colony,

Kirandul,

Distt. Bastar

—Applicant

Versus

The General Manager

Bailadila Iron Ore Project,

Dep. No. 14,

PO Kirandul,

Distt. Bastar

—Non-applicant

AWARD

Passed on this 17th day of May, 2001

1. The Government of India, Ministry of Labour vide order No. L-26012/2/87/D.III(B) dated 20-1-88 has referred the following dispute for adjudication by this tribunal —

“Whether the action of the management of Bailadila Iron Ore Project, Dep. No. 14 Kirandul in denying conveyance allowance to Shri M.P. Pandey, UDC is justified ? If not, what relief is the said workman entitled to?”

2. The case for the workman is that he is office bearer of the Bastar Khadan Mazdoor Sangh (HMS) and employed as UDC by the management. The workman employed by the management of Bailadila Iron Ore Project of NMDC are being paid local travelling allowance. The workman Shri N.P. Pandey is not being paid the conveyance allowance by the management. In spite of the repeated request, the management has failed to pay the conveyance allowance to the workman. The workman regularly utilises his motor cycle in respect to office work of the management and even than the conveyance allowance is not being paid to him. He is therefore entitled to receive conveyance allowance at the rate of Rs. 100/—per month from the management; The junior employees working as UDC are being paid the conveyance allowance by the management regularly. The workman has been excluded from this facility by the management for the reasons best known to them. The management is therefore reliable to pay conveyance allowance to the workman at the rate of Rs. 100 per month.

3. The case for the management is that Bipartite Settlement between the Union and the management dated 17-9-83 has laid down the principle for making payment of conveyance allowance to the workman as under :—

“Reimbursement of Local Travelling Expenses shall be made to the workman who are required to possess and maintain moped/scooter/motor cycle for discharge of their duties at the following rates subject to their fulfilling other rules/regulations prescribed in this regard:

For Moped Rs. 55/-

For Scooter/motorcycle Rs. 100/ p.m.

Extract of circular No.1(51)/Rules/79 dated June-4.

“Reimbursement of local travelling expenses should be done only in cases where the workman is required to move from one workspot to other in the discharge of his duties.”

4. As per the settlement and circular, the conveyance allowance shall be paid to the workman to maintain a vehicle if he uses the same for discharging his official duties requiring movement from one workspot to another. The workman Shri N.P. Pandey is working as UDC in the office of the management and is not required to move from one workspot to another in the discharge of his duties. His duties are confined to office only from 9 AM to 5 PM with a lunch break. His work is confined to office room only and is not required to move from one spot to another spot in the discharge of his official duty. In such a circumstance he is not entitled to receive any local travelling allowance as claimed by him. The claim of the workman therefore deserves to be rejected

5. The following issues arise for decision in this case and my findings thereon are noted hereing after :—

1. Whether the workman Shri N.P. Pandey is entitled to receive Local Travelling Allowances as claimed by him ?

2. Relief and costs ?

6. Issue No. 1 For deciding this issue the relevant provision of bipartite settlement dated 17-9-86 and managements circular dated 4th June, 84 are reproduced as under :—

“Reimbursement of Local Travelling Expenses shall be made to the workman who are required to possess and maintain moped/scooter/Motorcycle for discharge of their duties at the following rates, subject to their fulfilling other rules/ regulations prescribed in this regard.

For Moped Rs. 55/-pm

For scooter/Motorcycle Rs.100/-pm

Extract of circular No. 1(5)/Rules/79 dated June 4, '88

“Reimbursement of Local Travelling Expenses should be done only in cases where the workman is required to move from one workspot to other in the discharge of his duties”.

7. In the Light of above said provisions, now we will have to see as to whether the workman has been able to prove his entitlement regarding the payment of local Travelling Allowances.

8. Admittedly the workman is performing the duty of UDC in the office of NMDC at Kirandul Iron Ore Project. He has not produced any order passed by the competent authority to show that he was authorised to move from one workspot to another in the discharge of his duties. Without such specific order passed by the competent authority no employee of the project shall be entitled to get local travelling allowance as per bipartite settlement dated 17-9-83. In the light of this settlement, the management also issued a circular dated 4-6-84 in respect to the entitlement of Local Travelling allowance to be paid to the workman. The workman Shri N.P. Pandey was not authorised by the competent authority to move from one workspot to another to discharge his duty. In the absence of such specific order, the workman cannot claim any local travelling allowance from the management. He has not been authorised as per bipartite settlement and circular dated 4-6-84 to move from one workspot to another for discharging his duties,

9. The workman has also not been able to examine any other witness to show that the other employees, who are not moving from one workspot to another in the discharge of their duties are being paid the Local Travelling Allowance by the management in utter disregard of the bipartite settlement of 17-9-83 and circular dated 4-6-84. In the absence of the positive evidence, it will not be possible to hold that the management is showing discrimination in making the payment of local Travelling Allowance to its employees. The allegations of the workman remains unestablished for want of evidence in this respect.

10. In view of the foregoing reasons the workman is not entitled to get any Local Travelling Allowance for his conveyance as claimed by him. Issue No. 1 is answered in negative.

11. Issue No. 2 : In view of the findings given on Issue No. 1 the workman is not entitled to get any conveyance allowance of local travelling as claimed by him. His claim is therefore disallowed. The reference is accordingly answered against the workman and in favour of the management.

12. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ. 1736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-06-2001 को प्राप्त हुआ था।

[सं. एल-33012/1/97-आई आर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1736.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Port Trust and their workman which was received by the Central Government on 25-06-2001.

[No. L-33012/1/97-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT CHENNAI

Tuesday, the 12th June, 2001

Present : K. Karthikeyan, Presiding Officer

Industrial Dispute NO. 506/2001
(Tamil Nadu State Industrial Tribunal I. D. No.101/98)

(In the matter of the dispute for adjudication under dated clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the industrial disputes Act 1947, between the Workman Shri R. Ramaswamy and the Management. The Chairman Madras, Port Trust, Madras.

BETWEEN

The General Secretary, I Party/Claimant
Dr. Ambedkar Port Trust and
Dock Labour Board, Chennai.

AND

The Chairman, IIParty/Management
Madras Port Trust,
Madra,
Appearance :

For the Workman : Shri K. Raja &
K. Marinath,
Advocates

For the Management : M/s. R. G. Rajan &
A.R. Krishnan,
Advocates

AWARD

The Govt. of India Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No. L-33012/1/97/IR (M) dt. 20-07-1998 :—

“Whether the action of the Management of Madras Port Trust in imposing the punishment of increment cut for 6 months on Shri R. Ramaswamy Syrang, Marine Department is justified or not ” If not justified to what relief Shri R. Ramaswamy is entitled ? ”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal where it was taken on file as I.D. No. 101/98. On receipt of notice from that Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal as per the orders of transfer by the Central Govt. this case has been

transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I.D. No. 506/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to appear before this Court, with the respective parties to prosecute this case further on 07-03-2001.

3. When the matter was taken up for enquiry on 07-03-2001, the counsel for the II Party alone was present. Both the I Party and his counsel were not present. Then the case was adjourned to 22-03-2001. On that days, both the parties and the counsel on either side were remained absent. There was no representation on either side. Though the matter was taken up for enquiry of 11-04-2001 and 03-05-2001 the counsel for the II Party alone was present and I party and his counsel remained absent as usual. There was no representation for the I Party/Union at all and the case was adjourned to 25-05-2001. On that day as the Presiding Officer was on other official duty, the matter was finally adjourned to 12-06-2001 for enquiry.

4. When the matter was taken up for enquiry today i.e., 12-06-2001, as usual the counsel for the II Party alone present. There is no representation for the I Party/Claimant In spite of the counsel on record for the I Party was served notice, on 20-2-2001 itself by Registered Post with acknowledgement due for the hearing on 7-3-2001, (as per the acknowledgement received) neither himself nor I Party has chosen to appear before this Tribunal to prosecute this case further. The inaction and non-representation on the side of the I party/Claimant enables this Tribunal to conclude that no industrial dispute as such now exists between the parties concerned. Hence, this industrial dispute is dismissed for default and for non-prosecution.

5. In the result, as award is passed holding that ‘No dispute’ exists now between the parties concerned. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th June 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 25 जून, 2001

का.आ. 1737—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध निषेधकों और उनके कर्मचारों के बीच, अनुबंध में सिद्ध औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं. एन-33012/4/96-आई आर (एम)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 25th June, 2001

S.O. 1737.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 25-6-2001.

[No. L-33012/4/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT. CHENNAI

Friday, the 18th May, 2001

Present : K. KARTHIKEYAN, Presiding Officer

Industrial Dispute No. 413/2001

Tamil Nadu State Industrial Tribunal I. D. No. 107/96

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Claimant Madras Port Trust Employees Union and the Management, The Chairman, Madras Port trust, Madras.)

BETWEEN

The General Secretary, I Party/Claimant
Madras Port Trust Employees
Union, Madras

AND

The Chairman, II Party/Management
Madras Port Trust, Madras.

Appearance :

For the Claimant : M/s. P. K. Raja-
gopal & K. Santha-
kumari, Advocates

For the Management : Sri R. Arumugam,
Advocate

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the

following dispute for adjudication vide Order No. L-33012/4/96-(IR) (Misc) dt. 5-12-1996. :

“Whether the action of the Management of Madras Port Trust in dismissing Shri K. Vijayaraghavan from service is justified ? If not to what relief the workman is entitled ?”

2. This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I. D. No. 107/96. On receipt of notice from the Tribunal, both the parties entered appearance through their respective counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending enquiry, before the Tamil Nadu State Industrial Tribunal, as per the orders of transfer by the Central Govt., this case has been transferred from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case from the Tamil Nadu State Industrial Tribunal, this case has been taken on file here as I. D. No. 413/2001 and notices were sent to the counsel on either side informing them about the transfer of this case from the file of Tamil Nadu State Industrial Tribunal to the file of this Tribunal with a direction to present before this Court with the respective parties to prosecute this case further on 23-2-2001. M/s. Iyer & Dolia, Advocates filed a fresh Vakalath for the II party/Management, but neither the I Party nor his counsel on record appeared before this Tribunal ever since the case has been taken on file till this date.

3. When the matter was taken up for enquiry to-day, the counsel on either side was not present. Both the parties also remained absent. There is no representation on either side. It is seen from records that this case as an industrial dispute has been referred by the Govt. of India, Ministry of Labour by its order dated 5-12-1996 for an adjudication by that Tribunal. Though the counsel for the I Party and the present counsel for the II Party entered appearance before that Tribunal on the first date of hearing on 17-1-1997, the I Party/Claimant had chosen to file their Claim Statement only on 13-6-1997. The II Party had chosen to file the Counter Statement on 30-06-1998 and the matter was kept pending for enquiry before that Tribunal as neither party to this dispute was ready to prosecute this case there. Even after this case has been transferred to the file of this Court, the I Party Union inspite of the notice received by them through Registered Post has not chosen to appear before this Tribunal either by themselves or through their counsel on record to prosecute this case further. The counsel on record for the II Party also has not chosen to appear before this Tribunal and the II Party/Management counsel remained absent. As no one has turned up for very

many hearings in this case ever since the first hearing on 23-2-2001, this Tribunal has left with no other option but to dismiss this dispute for default. Hence, this industrial dispute is dismissed for default for non-representation and non-prosecution.

4. In the result, an award is passed holding that 'No dispute' exists now between the parties. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th May, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.आ. 1738 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं.एन-12011/4/93-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1738.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kolkata as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. 1-12011/4/93-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 32 of 1993

PARTIES :

Employers in relation to the management of Punjab National Bank

AND

Their Workmen

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. J. Roy, Manager—Personnel.

On behalf of Workmen.—Mr. T.P. Ghorai, General Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. 1-12011/04/93 IR(B-II) dated 29-7-1993 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of PNB in the matter of filling up the posts of head cashier category 'C' in Durgapur and Siliguri office is in accordance with circular No. 23/90 or not? If not, to what relief is the workmen entitled to?"

2. This dispute has been raised by the PNB Employees Union on account of non-fulfilment of the post of Cash Officer in two of the branches of the Bank at Durgapur and Siliguri. It is stated in this connection that the Bank has formulated a rule for selection and appointment of Cash Officer by inviting applications from Head Cashier Category 'C', Clerk-cum-Cashier Incharge Category 'A' who worked as such for a minimum period of four years and have at least 8 priority marks on the last date prescribed for the receipt of the application. Similarly, Clerk-cum-Cashiers, Assistant Cashiers, Cashier-cum-Godown Keepers who had worked exclusively in cash Department for a minimum period of 8 years and who are designated as such on the last date prescribed for receipt of the application are eligible for the post of Cash Officer. However, there is relaxation regarding SC/ST category of candidates. Under this rule Tellers are not allowed to apply for such post in the Cash Dept. and in that event, they are not eligible for the post of Head Cashier Category 'C'. It is asserted that there has been a marked division for the posting of Cash Officers by only Cashier or Head Cashier Category 'C' who have been working exclusively in the Cash Department and other Clerks/Tellers who are working in Accounts Department are eligible for promotion as Accountant under JMG Scale-1. It is further stated that selection of Tellers and Cashier Category 'A' and 'C' are distinctly different so far as eligibility criterias are concerned. While Clerks having larger experience for a specific period are eligible for the post of Tellers, only Clerk-cum-Cashiers/Assistant Cashiers/Cashiers are eligible for the post of Head Cashier Category 'A' and 'C'. It is further stated that above distinct channels are clear-cut and the duties of both Tellers and Cashiers of Category 'A' and 'C' are clarified by the Hon'ble Supreme Court also in the case of Punjab National Bank v. M.R. Sood, 1961 LJI 162, where claim of a Cashier for promotion as Supervisor under Sastri Award was rejected on the ground of eligibility. It is further stated that on taking-up the issue in the Central Industrial relations machinery by All India PNB Employees Federation to which the present union happens to be affiliated alleging non-compliance of the various guidelines as decided and conveyed by the Head Office through personnel Department circulars, the said authority issued circular vide circular letter No. 23/90 dated 6-6-1990 advising all the field functionaries to ensure that all special allowance carrying posts are invariably filled-up within six weeks time from the date of occurrence of the vacancies. It was also mentioned in the above mentioned circular that Zonal Offices should monitor the instructions closely on the basis of the monthly statement to be sent to them by the Regional Managers regularly. It is further stated that in the instant case both the Zonal and Regional authorities failed to monitor the things and allowed violation of their own policy to help a section of employees belonging to rival group in Siliguri and Durgapur Branches. It is further stated that even on being pointed out by the union, the Zonal authority tried to delay things on one pretext or other, though the policy is being implemented all over the country. It is further stated that even Head Office directives have been flouted in defence of the authorities to help the rivals. It is therefore stated that the Zonal Management cannot violate any policy framed by the Head Office, but in Calcutta Zone the authorities in spite of their pointing out the irregularities/violations of the Head Office policies did not care to rectify the same in time and helped violation to continue in unauthorized manner. It is also further stated that curiously enough the said authority moved the Head Office to change rule to champion the cause of the rivals, but it was found unacceptable by them and a letter dated 24-6-1988 was sent in this regard. Therefore, it is further stated that without rectifying the mistake the regional and zonal authorities allowed the irregularities to continue for

the reasons best known to them, though they were well aware of the thing that in case any modification is suggested and found acceptable, it can only be from the date the agreement is signed between the parties as it would deprive those employees whose candidatures could not be considered for selection of persons for filling up of special allowance carrying posts in between the period. In this view of the matter, it has been prayed that the zonal authority be directed to fill-up the vacancies as per existing norms within a time bound programme and the Tribunal be pleased to pass an order in writing about the compliance of the order as above with firm commitment not to violate policies in future. However, a prayer has also been made to punish those persons who are responsible for violation of the rules and policies of the Bank.

3. A written statement has been filed on behalf of the management in which apart from some preliminary objections being raised regarding maintainability of the reference, it has been stated that the Bank has entered into a conciliation settlement on 30th September 1982 which governs policies and procedures concerning selection of Head Cashier Category 'C' and the settlement provides as under :—

- (a) The Head Cashiers in branches and Pay offices centralising the strength of 2, 3 and 4 Cashiers in the Cash Section shall be paid the allowance of Head Cashier Category 'C' as provided in the Bipartite Settlement and their job shall be got enlarged in terms of the Bipartite Settlement.
- (b) The selection of Head Cashier Category 'C' shall be made on the basis of seniority of Head Cashiers CC Incharge of category 'C' with the town as a unit.
- (c) In case of inability or refusal to perform the additional duties of Head Cashier Category 'C', such Head Cashiers/Cashier Incharges shall continue to draw the allowance of category 'A' as provided in the Bipartite Settlement. It is understood that as a result of placement under the above Scheme, some Head Cashier Incharge in Cat 'A/C' would be required to move to the other offices in the station or area.

It is further stated that as per the above settlement the posts of Head Cashier Category 'C' are to be filled up on the basis of city-wise seniority of Head Cashier Category 'A' at these two stations. It so happened that there is no Head Cashier Category 'A', hence the matter was referred to the Head Office. It is further stated that all the employees of both these offices belonged to separate unions, one of which is in the name and style of PNB Shramik union affiliated to B.F.I.U. and this union had raised a demand with the Bank that the vacancies be filled up on the basis of city-wise seniority of Clerks Cashiers who are working as Clerk Cashiers, but has subsequently been posted as Teller may also be included and considered for selection. It is also further stated that the said union also filed an application dated 13-5-1993 before the Assistant Labour Commissioner (Central), Calcutta alleging that the Bank has not filling up the vacancies of Head Cashier Category 'C' through Tellers at branches at Durgapur and H.C. Road, Siliguri for a long period. It is further stated that the Head Office authority clarified the position vide their letter dated 24-6-93 informing therein that the Cashier Clerk, Assistant Cashier, Cashier-cum-Godown Keeper would be eligible for officiating posting in place of Head Cashier Category 'C', in case Head Cashier Category 'A' is not available. It is further stated that prior to the receipt of the above letter, the conciliation proceeding was pending before the Assistant Labour Commissioner, Calcutta and during the pendency of the conciliation proceeding the condition of service that was applicable prior to the conciliation was required to remain unchanged as per the provisions of Section 33 of the Industrial Disputes Act and therefore the management has maintained the status-quo. A para-wise comments has also been made and the allegations against the management regarding their in action and collaboration with the rival union has been denied.

4. So far as the union is concerned, one witness Arit Kumar Aditya has been examined and he has stated that as per the Bank's rules and circular a Teller is not eligible

to officiate as Head Cashier Category 'C' and he is also not eligible to be a Cashier, because Cashiers belong to a separate category and Tellers who are originally Clerks are not eligible to become a Cash Officer. He further stated that in September, 1993 New Bank of India merged with the Punjab National Bank and after the merger conventions, rules and regulations of Punjab National Bank are still in vogue and in operation. He further stated that dispute arose between some section of the workman regarding the seniority of the personnel of the New Bank of India who got merged in the Punjab National Bank and the matter is pending before the Hon'ble Supreme Court of India. He also further stated that in different High Courts similar questions arose and the Hon'ble High Court of Calcutta gave a direction in an interim order, because of which Punjab National Bank is not filling-up the posts carrying special allowance. As such, Head Cashier Category 'C' posts at Durgapur and Siliguri Branches of the Bank are still vacant to be permanently filled-up. He also stated that as an interim arrangement to run the work some Tellers at those two branches, namely, Durgapur and Siliguri were asked to officiate in the post of Head Cashier Category 'C' and they are so officiating as they were senior to all the Clerks in those two branches, but this itself is in violation of the clarification in the letter dated 23-6-1993. In his cross-examination also he admitted that the posts are not being filled-up because of some interim order of the Hon'ble High Court at Calcutta.

5. No witness has been examined on behalf of the management in support of what has been stated and denied in their written statement.

6. So far as the documents are concerned, the union has filed some documents as annexures to the statement of claim and there does not appear to be any dispute regarding these documents. However, one document has also been marked as Ext. W-1. This is the circular letter dated 24-6-1993 in which due clarifications have been made. The document which has been filed as Annexure—D-A is dated 29th March, 1990 in which the principles of selection of Cash Officers have been laid down. The eligibility clause shows that the post of Cash Officer shall be filled up from amongst the persons of the category of Head Cashier Category 'C', Head Cashier and Clerk-cum-Cashier Incharge Category 'A' who worked as such on the post for a minimum period of 4 years and have at least 8 priority marks on the last date prescribed for receipt of applications and the priority mark has to be computed as on 1-1-1990 as per the procedure laid down in settlement dated 1-11-1988. The third category eligible for filling-up the vacancy is that of Clerk-cum-Cashier, Assistant Cashier and Cashier-cum-Godown Keeper, who worked exclusively in the Cash Department for a minimum period of 8 years and are designated as such on the last date of receipt of application. Another document is Annexure—D-B. In this letter also the said things have been reiterated including the eligibility clause as stated above. One circular dated 6th June, 1990 is Annexure—D-C, which lays down guidelines for filling-up posts carrying special allowance. In this letter it has been clearly stated that the vacancies of posts carrying special allowance should be filled-up immediately, but not later than six weeks of occurrence of the vacancy and it has also been stated that whenever vacancy of posts carrying special allowance arises the seniority of employees may be considered as on the date of occurrence of vacancy and not on the date of filling-up of the vacancy. It appears that when the dispute in this regard was raised and instructions were sought for by the Zonal Office, Calcutta, the letter dated 24-6-1993 was issued by the Bank to clarify the matter and in this letter it has been very clearly stated that under no circumstances the Tellers are to be allowed to officiate as Head Cashier Category 'C'.

7. In this view of the matter, it becomes clear that the dispute which was raised by the Tellers does not carry any sense in withholding of filling-up of the vacancies. It has not been denied that the vacancies do not exist, but it appears that the vacancies are not being filled only on the pretext that another rival association or union raised some dispute. If the matter has been clarified by the Head Office in the letter dated 24-6-1993, scope for further dispute being entertained by the management does not arise. The demand of the present union appears to be justified that the posts of Cashiers and Cash Officers vacant in the two branches at Durgapur and Siliguri should be filled-up at once on the basis of the criteria laid down in the aforesaid letters and

circulars and also in the light of the clarification made in the letter dated 24-6-1993, Ext. W-1. There does not appear to be any reason to allow the management to continue to delay the filling up the aforesaid posts.

8. Accordingly, the reference is decided in favour of the workmen and it is hereby directed that the Zonal Office, Calcutta of the Punjab National Bank should see that the vacant posts of Head Cashier Category 'C' at Durgapur and Siliguri Branches of the Bank are filled-up within next two months on the basis of the rules and instructions of the Head Office and they should not delay the matter any further on any pretext.

9. The reference is accordingly disposed of.

Dated, Kolkata,

The 4th June, 2001.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.आ. 1739:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[मं.एल-12011/12/96-प्राईमर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1739.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12011/12/96-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated: 31st May, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B.,
Presiding Officer.

C.R. No. 241/97

I PARTY

The Secretary,
Vijaya Bank Employees Federation,
No. 18-22, Byatappa Buildings,
Cubbonpet Main Road,
Bangalore-2
Advocate—Shri Ganapathi Hegde

II PARTY

The General Manager(IR),
Vijaya Bank,
M. G. Road,
Bangalore-1
Advocate—Shri Pradeep S. Sawkar

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/12/96-IR(B-II) dated 27th May, 1997 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Vijaya Bank in transferring Shri K. M. Suresh, Treasurer from Udupi to Brahmavar Branch and Shri S. R. Boodhy, Treasurer from Belgaum to Bijapur Branch amounts to victimisation and unfair labour practice? If so, to what relief the said workmen are entitled?"

2. First party and Counsel is not present. Second party counsel is present. It is seen from the records that the first party is not regular in proceedings of this dispute. On last hearing also he was not present. According to the management the reference is not maintainable because in order to restrict the trade union activities the workman was transferred. I have heard in detail and I have perused the available papers and the matter is disposed off.

3. First party Union filed the Claim Statement.

4. The case of the first party union in brief is as under:

5. The case of the first party is that Sri K. M. Suresh and Shri S. R. Boodhy were working at Brahmavar branch in Dakshina Kannada Dist., and Bijapur branch in Bijapur Dist. They were duly elected as treasurers by the members of the first party union at its Regional General Body Meeting. To restrict their trade union activities, the second party management have transferred them to the remote branches. The second party management have given protection to the Regional Office Bearers of the other two unions viz. Vijaya Bank Workers Organisation and Vijaya Bank Employees Association and this shows malafide intention existing in the minds of the management towards the first party union. The first party has challenged the transfer order. The action of the management is not correct. So Industrial Dispute is raised.

6. The second party appeared and filed counter.

7. The case of the second party in brief is as under:

8. The case of the second party is that the allegations made by the union are not correct. It is not correct to say that the transfers are made with malafide intention and there is no victimisation at all. About the union activities some facts are given in the Counter. It is said that the writ petition was filed in the High Court of Karnataka in W.P. No. 16491 of 1995 challenging the orders of transfer. The Writ Petition was disposed off and it was dismissed. This dispute has no merit at all. The transfer was a routine administrative decision so the second party management has prayed to reject the reference.

9. After giving many adjournments it is seen from the records that the first party union is not interested in going on with this dispute. At last hearing also the first party was not present. Today also none is present. No purpose will be served if the matter is adjourned today. This is a dispute of 1997 and we are in the middle of 2001. Therefore I requested Shri Venkatesh, learned counsel for the second party to argue the matter. I have heard the arguments. In the instant case at the very outset I am of the opinion that there is no merit in this reference because the union has raised the dispute saying that the transfer of two workmen in this dispute is malafide.

10. In my humble opinion these allegations are not correct. It is well settled principle that the service conditions of the Staff in Banking Industry contains a stipulation for providing for transfer of every workman including a protected workman from one place to another.

11. Taking all this into consideration I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 31st May 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.ग्रा. 1740:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संवर्धन निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/शमन न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-12012/89/97-प्राईमर(बी-ii)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1740.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/89/97-IR(B-II)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Case No. B-46/97

Reference No. L-12012/89/97-IR(B-II) dt. 10-11-1997

The President,
Rajasthan (State) Bank Workers' Organisation,
C/o Bank of Maharashtra,
M. I. Road,
Jaipur.

.. Applicant

V/s

The General Manager,
Dena Bank,
Karnal Bagh,
Arvi Samai Road,
Keeltron Chambers,
New Delhi.

.. Non-applicant

ATTENDANCE :

For the applicant—Shri Suresh Kashyap

For the non-applicant—Shri A. P. Upadhyaya

Date of Award—4-6-2001

AWARD

The Central Government vide order mentioned above has referred the following dispute under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

SCHEDULE

"Whether the action of Dena Bank is justified in not giving full scale of wages to Shri Dharam Veer Singh, Part time sweeper since 1995 who is employed

w.e.f. 7-7-89 when his junior workman Shri Salim Khan employed in 1995 and others were given full scale of wages in violation of bi-partite settlement dated 25-9-92 and principle of natural justice? If not to what relief the workman is entitled?"

The statement of claim was filed by the Rajasthan State Bank Workers' Organisation (hereinafter referred as the Union). It was stated that Union is registered Trade Union which represents the majority employees of Dena Bank (hereinafter referred as the Bank) in Rajasthan. Shri Dharam Veer Singh (hereinafter referred as the applicant) is the member of the Union. The applicant requested to solve his problem and therefore, the dispute was raised by the Union. It was further stated that the applicant was posted as "Safaiwala" as part time in subordinate cadre on 7-7-89 against permanent vacancy. The service conditions of the part time employees of the Bank are governed by the Shastri Award and Bi-partite settlement. According to the bi-partite settlement the applicant was entitled to 3/4 of the salary, but in spite of repeated demands the applicant was paid Rs. 200 per month w.e.f. 29-6-94 as per agreement, on the assurance that the applicant will be treated a permanent part time employee and thereafter he will be treated as full time employee. The posts of full time employees in subordinate cadre having fallen vacant, the applicant submitted application for absorptions as full time on 2-5-94. The Bank appointed number of persons on permanent vacant posts in subordinate cadre in the year 1995, but the applicant was not considered on the basis of seniority. The applicant made number of representations, but with the no result. It was prayed that the applicant be declared as full time regular employee w.e.f. 1995 and the non-applicant be directed to pay the pay scales and other benefits to the applicant w.e.f. the above date.

The non-applicant in the amended reply has stated that the applicant was working in the Bharatpur branch of the Bank since 7-7-89 on consolidated wages i.e. working hours ranging from 3 to 6 hours per week. Later on the applicant was made regular as permanent part time sweeper on 1/3 wages w.e.f. 1-7-90 in terms of settlement. It was denied that the applicant was entitled to 3/4 salary of the sub-staff. It was stated that Shri Salim Khan sub-staff belongs to religious minority community. It was admitted that there were vacancies in the Bank for permanent full time sub-staff, but it was denied that the applicant ought to have been elevated in one of such vacancy. It was admitted that the applicant had applied for one of such posts but it was stated that he could not be considered as he was not eligible as per terms of settlement dt. 25-9-92 and 5-12-96 according to which the date of joining of applicant is the basis for selection subject to reservation point. It was denied that the Bank has agreed for elevating the applicant within one month of agreement dt. 29-6-94.

The applicant filed rejoinder to the reply. In the rejoinder it was stated that the applicant was employed w.e.f. 7-7-89 while Shri Salim Khan was appointed in 1995 in full scale in violation of bi-partite settlement dt. 25-9-92. It was further stated that there is no reservation for religious minority community.

The applicant filed his affidavit in support of the claim. The learned counsel for the non-applicant was given opportunity to cross-examine him on his affidavit. The applicant also filed copies of certain documents which will be referred at the appropriate place. On behalf of the non-applicant Shri Pranab Bindu Sain was examined. The non-applicant also filed the copies of certain documents.

Heard arguments on behalf of both the parties. The learned counsel for the non-applicant has also filed written arguments.

It is not disputed that the applicant has been working in branch Bharatpur of the Bank since 1989, while Shri Salim Khan was appointed in the year 1995. The learned counsel for the applicant has only contended that Shri Salim Khan being junior to the applicant was given appointment in full scale and therefore, the applicant is also entitled for full time scale with effect from the date the appointment was given to Shri Salim Khan. The learned counsel for the non-applicant has contended that Shri Salim Khan was appointed as regular employee on full scale while the applicant was appointed as a part time employee and therefore, cannot be said to be junior to the applicant. His other contention is that even if

it is held that there is no reservation in filling the post on the basis of religious minority community and Sh. Salim Khan was given appointment on full scale illegally and in violation of bipartite settlement dt. 25-9-92 the applicant cannot claim equality in pay. In support of his contention he has relied upon AISLJ 2000 (1) 76 State of Bihar and Others v/s Kameshwar Prasad Singh and another's. The term of settlement dt. 25-9-92 are being reproduced as under :—

"Terms of Settlement :

- (1) As and when a new vacancy of full-time sub-staff is identified in a branch/office and approved by Head Office or a vacancy has arisen due to resignation/termination/promotion and approved by Head Office, the vacancy will be notified and applications will be invited from willing eligible part-time employees drawing scale wages of 1/3rd, 1/2, 3/4th in the Region/State whichever is smaller and the vacancy will be filled up by posting the part-time employee who is senior-most of the applicants, as per date of joining irrespective scale wages, he would be drawing. For example : If the date of joining of a 1/3rd part-time employee is say 1-4-1987 and date of joining of a 3/4th part-time employee is say 1-10-1989, the vacancy will be filled up by offering it to 1/3rd part-time employee being senior-most as per date of joining.
- (2) As and when vacancy arise, for 1/2 or 3/4th scale wage in a center. Having 2 or more branches and approved by Head Office, applications will be invited from the willing eligible part-time employees working in that posting the applicants drawing scale wage of 1/3 or 1/2 as the case may be as per the date of joining will fill up center and the vacancy. If there is only one branch in a center where the vacancy has arisen and approved, the same will be filled up from the approved panel, if there is no request transfer from part-time employees working in other center is pending.
- (3) To be eligible for conversion into full-time subordinate, the part-time employees should be conforming to norms of recruitment in respect of age, educational qualification, etc. at the time of initial entry into part-time employment. For part-time employees drawing scale-wages recruited prior to 1977, their eligibility regarding qualifications, age may be the one applicable to SC/ST candidates stipulate for recruitment after 1977. However, after conversion the end vacancy may be filled up from approved panel duly constituted. While effecting conversion Government guidelines regarding conversion of sweepers etc. will be followed.
- (4) If more than one part-time employee have the same seniority, selection will be on the basis of date of birth. The selected candidates can be posted anywhere in the Region/State whichever is smaller.
- (5) For the purpose of reckoning seniority for allowance carrying posts in subordinate cadre, their date of conversion to full-time basis will be taken into account.
- (6) If the part-time employee after being offered the above vacancy refuses to accept for whatsoever reason, he shall stand debarred permanently.
- (7) The parties will sort out any dispute arising over the interpretation of any clause of this Settlement to the Settlement by mutual discussion.

This Settlement shall come into force from the date of signing of this settlement.

Dated this 25th day of September, 1992."

It is admitted that full time vacancy of sub-staff had arisen and Shri Salim Khan was given appointment on full time scale in the year 1994 on the basis of reservation for religious minority community. The learned counsel for the non-applicant has not been able to produce any order regarding reservation on the basis of religious minority community. The first condition of bi-partite settlement dt. 25-9-92 that in case of new vacancy of full time sub-staff the same will be notified

and the application will be invited from willing part-time employees drawing wages 1/2, 1/4 and 3/4 in the Region/State and the vacancy will be filled up by posting the part-time employee who is senior most as per date of joining. Shri Salim Khan was given appointment on full time scale in violation of the above condition of the settlement. It is true that the applicant can claim seniority in respect of the persons who are part-time employees and not with full time employees but the appointment was given to Shri Salim Khan in violation of the conditions of the above settlement. In the case reported in AISLJ 2000 (1) 76, the case Gursharan Singh and others v/s NDMC and others reported in 1996, (2) SCC, 459 was referred in which it was held that citizens have assumed wrong notions regarding the scope of Article 14 of the Constitution, which guarantees equality before law in all citizens. Benefits extended to some persons in an irregular or illegal manner cannot be claimed by a citizen on the plea of equality as enshrined in Article 14 of the Constitution by way of writ petition filed in the High Court. It was further observed :

"Neither Article 14 of the Constitution conceives within the equality clause this concept nor Article 226 empowers the High Court to enforce such claim of equality before law. If such claims are enforced, it shall amount to directing to continue and perpetuate an illegal procedure or an illegal order for extending similar benefits to others. Before a claim based on equality clause is upheld, it must be established by the petitioner that his claim being just and legal, has been denied to him, while it has been extended to others and in this process there has been a discrimination."

The appointment of Shri Salim Khan as full time employee having been made arbitrarily does not confer the right to the applicant to claim parity but he had the right to be considered for grant of full time scale in the vacancy filled up by the non-applicant as per the terms of settlement. It has been contended that the applicant was not considered for full time scale as he was not eligible. The non-applicant has not submitted any evidence as to how the applicant was not eligible. The applicant had the right for consideration for full time scale in the new vacancy filled up by Shri Salim Khan.

The action of the non-applicant for not considering the applicant for full scale of wages therefore, cannot be said to be justified. The non-applicant is directed to consider the applicant for granting full scale of wages from the year 1995 as per conditions of the bi-partite settlement dt. 25-9-92.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/- (ILLEGIBLE)
Presiding Officer

नई दिल्ली, 21 जून, 2001

का. भा. 1741:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल.-12012/134/92-आईआर (बी-II)]

अध्यक्ष कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001.

S.O. 1741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the

management of Bank of Maharashtra and their workman, which was received by the Central Government on 21-6-2001.

[No. L-12012/134/92-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, 'SHRAM SADAN', III MAIN, III
CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated, 12th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C. R. No. 77/92

I PARTY

The General Secretary,
Bank of Maharashtra Karmachari
Sangh, (South Zone),
71, Kumbhakonam Plots,
Behind Gujarat Bhavan,
Hubli-580029.
(Advocate—Shri S. B. Vaidya)

II PARTY

The Regional Manager,
Bank of Maharashtra,
15, Police Station Road,
Basavangudi,
Bangalore-456004.
(Advocate—Shri N. Mahalingam)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947, has referred this dispute vide order No. L-12012/134/92-IR(B-II) dated 9-10-92 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Bank of Maharashtra in denial of promotion to the post of full time sub-staff and denial of 3/4th Grade to Shri M. V. Gopalakrishna, part time sweeper, Bagalkot Branch of the Bank, is justified? If not, to what relief the workman is entitled to?"

2. The workman of the first party union was working with the Second Party Management and he was retrenched from service, so dispute is raised.

3. First party union appeared and filed Claim Statement. The case of the first party union is as under :

4. The Bipartite settlement provide for recruitment of award staff. The management had circulated a policy for the appointment of Sweepers and sub-staff

in the bank and a person who is not above 28 years of age in case of general category and not above 33 years in case of SC/ST category can be appointed as a Sweeper.

5. It is the further case of the first party union that for appointment of sub-staff, a list of sweepers is maintained at the Regional Office, and based on their date of joining as sweeper and as per seniority whenever vacancy of full time sub-staff arises, the post is offered to the senior most sweeper if he has passed atleast 6th standard. As per the provisions of the Bipartite Settlement, any employee who has worked continuously for a period of 6 months, is deemed to be a confirmed employee. First party union workman was appointed as a Sweeper from 6-4-1981 at its Mysore branch and worked continuously for a period of more than one year upto 3-5-1982 and on 1-6-82 the management terminated the services without following mandatory provisions of Industrial Disputes Act amounting to unfair labour practice. Provisions of Section 25F of the Industrial Disputes Act is attracted and his termination amounts to retrenchment. After the retrenchment, the management employed various persons. The first party for all these reasons has prayed to pass award in his favour.

6. The Second party appeared and filed Written Statement. The case of the second party in brief is as under :

7. The contention of the management is that by way of purely a stop gap arrangement on administrative exigency, the first party union workman came to be appointed on 6-4-1981 at Mysore Branch, as a temporary part-time sub-staff (temp P.T.S.) against a consolidated pay of Rs. 60 per month without his name being born on the muster roll, pending the process of selecting a suitable incumbent as sponsored through the local employment exchange, in keeping with the Bank's eligibility norms and procedure. As such, his was an employment purely on temporary basis, both by intention and effect. He could not be continued, since his name was only registered with but not sponsored by the Employment Exchange as required by the Bank. On the expiry of the period spent on purely temporary appointment in order to discontinue the services rendered by him. The bank had to discontinue his temporary services with effect from 1-6-1982. The action of the management is correct. The allegations made by the first party union are not correct. The workman did not raise any objection because he was not fulfilled bank's norms for recruitment. Even though he was not eligible for absorption into the permanent post of Sweeper, bank came forward humanistically and decided as a special case, to consider his application favourably, by allowing to re-employ him as a permanent Sweeper on scale wages at any branch in the region against clear vacancy prospectively and accordingly in April 1986 he was called by the Regional Manager, Bangalore for eliciting his willingness to accept the prospective vacancy of part time sub-staff's (Sweeper) in Bangalore City by way of re-employment. He explained his domestic problems and expressed inability to accept employment in Bangalore City due to its high cost living but profusely pleaded to keep his case in abeyance towards

accommodating him in any future vacancy on 1/3rd scale wages in a centre other than Bangalore and the bank accepted his request and also kept his union apprised of the same.

8. It is the further case of the management that things were kept waiting with mutual concern and consent the post of sweeper (consolidated pay of Rs. 100) came to be vacant at Bagalkot Branch, in the wake of its occupant being absorbed as full time sub-staff as per provisions of Bipartite Settlement and once again the bank after securing consent of Shri K. Panneer Selvan, Regional Secretary (now organised Secretary), Bank of Maharashtra decided to offer the post of Sweeper at Bagalkot to Mr. M. V. Gopalakrishna. As on 3-5-1954 he was age barred. The bank also elevated the post of 1/3 scale wages and totally waived the probation period of 6 months with a view to concede permanent service w.e.f. the date of his re-employment. He accepted the above offer of fresh employment as permanent part time sub-staff at Bagalkot Branch on 1/3 scale wages, both thankfully and unconditionally vide his letter dated 20th June, 1987 and also undertook to report for duty on 30-6-1987 and the bank issued orders as stated in para 5 of the written statement. His seniority is properly fixed. The contract of first temporary service came to an end on 30-5-1982 and was covered under Section 2(oo)(bb) of the Industrial Dispute Act, 1947. Many other grounds are stated in the Written Statement and the management has prayed to reject the reference.

9. It is the further case of the management that Bagalkot Branch came to be merged with Bijapur Branch during March 1994 thereby rendering Mr. M. V. Gopalakrishna as a redundant sweeper. Immediately thereafter he was accommodated at his request to Mysore on deputation as additional Sweeper. The bank met all his requests as stated in para 10 of the written statement. He was posted on 3/4 scale wages. Direct jump from 1/3 scale wages to 3/4 scale wages was given. Therefore the claim is not correct. Re-employment was made on specific terms and conditions and as such the date of his re-employment i.e. 30-6-87 the date of his appointment in the bank which is also incorporated in the updated and circulated seniority list of Sweeper for Bangalore Region. In fact there is no real grievance to complain for just reasonable and proper dispensation from the management of Bank of Maharashtra which has already conceded many things to the first party union workman with magnanimity and as a model employer. The management has said that there is no merit in this dispute.

10. It is seen from the records that both sides submitted that they have no evidence. Accordingly I have heard the arguments of both sides in detail. I have perused the available records carefully. The first party workman has given a written arguments with documents and I have carefully read the same.

11. At the very outset I am of the opinion that there is no merit in this dispute. It is clear from the records that the second party management has conceded all the requests of the first party workman with magnanimity. The management has categorically stated that the initial appointment was only temporary and subsequently management has considered the case of

the workman and the action of the management is correct.

12. I have carefully considered the written arguments given by first party union. The written arguments is nothing but a repetition of all the allegations made in the claim petition. There is no merit in the contention of the first party union in saying that there is unfair labour practice by the management. The termination is not illegal. The denial of promotion as contented by the union has no merit. I have read the decisions cited by the first party union carefully. The first party union has relied a decision quoted in Supreme Court on line Com case 945 Constitution of India, Articles 14 and 16 Manip. Pages 1 to 15. On going through the facts of the case I am of the firm opinion that the first union cannot take the benefit of the principles held in the above decision of the Hon'ble Supreme Court of India. Facts of the above decisions are quite different.

13. I have given my best consideration to the facts of the case and the statements made by the parties and I am of the opinion that there is no merit in this dispute. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 12th June, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 जून, 2001

का.प्र. 1742:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अथवा न्यायालय लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/124/98-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st June, 2001

S.O. 1742.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 21-6-2001.

[No. I-12012/124/98-IR(B-II)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, LUCKNOW

Presiding Officer : Rudresh Kumar.

ADJUDICATION

I.D. No. : 18/2000.

Ref : No. L-124/98/IR(B-II) Dt. 23-2-99/4-3-99

BETWEEN

Sh. Manoj Kumar Shukla
417/311-B, Niwaz Ganj,
Lucknow (U.P.).

AND

The Dy. General Manager,
Central Bank of India,
Vidhan Sabha Marg,
Lucknow-226010 (U.P.).

AWARD

By reference No. L-124/98/IR(B-II) dated 23-2-99/4-3-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 I.D. Act, 1947 (14 of 1947), made over this industrial dispute between Sh. Manoj Kumar Shukla and Dy. General Manager, Central Bank of India, Lucknow to the CGIT-cum-Labour Court, Kanpur for adjudication. Later this dispute was transferred to this Tribunal for adjudication.

The reference is produced as under :

"Whether demand of Sh. Manoj Kumar Shukla S/o Sh. Ram Avtar Shukla, Ex. Employee of Central Bank of India, Chowk Branch, Lucknow for Reinstatement w.e.f. 4-9-94 with full back wages is justified. If not, what relief the workman is entitled to?"

2. Manoj kumar Shukla, has come to seek relief of reinstatement with back wages against the Central Bank of India. His case is, that he was appointed in the Central Bank of India, Chowk Branch, Lucknow w.e.f. 15-1-1990. The management used to take work from him which were of permanent nature and he discharged his duties faithfully and satisfactorily. He completed 240 days continuous service in the year 1991, 1992 and 1993. His services were terminated, abruptly, w.e.f. 4-9-94, against clear directive of the Head Office of the bank. The local bank officer did not send his name for regularisation although he was fully qualified and eligible. He was terminated without any notice or retrenchment compensation etc. Since he worked continuously for more than 240 days in one calendar year, successively for 3 years i.e. 1991, 1992, 1993, the action of the management, in terminating his services was illegal and unjustified, hence the workman is entitled to reinstatement with back wages.

3. The management has admitted engagement of Manoj Kumar Shukla, as a casual labour at the Chowk branch, Lucknow. His work was to bring water and tea etc. He was paid for the work done. He was

not regularly appointed against any post nor was a sub-staff in regular cadre of the bank. The bank did not issue any appointment letter to him. It is also stated the workman had worked for a brief period and was never engaged for 240 days in any calendar year as claimed by him. He was engaged on day to day basis and relation of master and servant exhausted at end of the day.

4. The onus to prove engagement for 240 days in any calendar year lies on the workman. The parties have relied on documentary and oral evidence tendered by them which would be discussed a bit later. The workman has filed a circular issued by the Central Bank of India, Regional Office, Lucknow seeking details of temporary/casual workers, who had worked after 1-1-1982 and still unregularised. Sub-staff/Safai-karmchhari and Water Boys were covered by the above circular. The grievance of the workman, is that his name was not sent despite his working since 1990. By letter dt. 27-11-1992 the workman submitted a representation which was registered on 29-11-94. The workman also filed copy of payment vouchers dt. 25-3-94, 5-4-94, 4-4-94, 6-4-94, 11-4-94, 12-4-94 besides his representation to Asst. Labour Commissioner (C), Lucknow. Ex-W1 to Ex. W4 were also filed by the workman which are in shape of self prepared attendance chart. This attendance chart was prepared by him and is not counter-signed by any Bank authority.

5. The management filed six payment vouchers of the year 1990 and 1994. Later, the management also filed 11 vouchers showing payments on different dates in between 25-3-1994 and 12-4-1994. In addition to it, the workman examined himself to substantiate his version. Mr. M. M. Misra, Branch Manager, Chowk branch was also examined by the management who testified that the workman was never engaged for 240 days in any calendar year. Parties cross-examined rival witnesses, in detail.

6. In short, the material issue is whether Manoj Kumar Shukla worked as Water boy/Casual labour for 240 days in any of the years 1990, 1991, 1992, 1993 & 1994? If his continuous engagement, in any of the said years, is proved, he would be entitled to derive benefit of section 25-F.

7. The management has not denied casual engagement of the workman but his engagement against permanent post to do work of punishment nature is denied. It is submitted that his services were taken for bring drinking water and tea etc. If on some occasion he was assigned additional work, he was compensated. His casual appointment was for a brief period much less than 240 days in a calendar year and so there was no continuous service as defined section 25-B. Accordingly, the workman is not entitled to benefit of section 25-F I.D. Act.

8. The onus to prove continuity of service for 240 days in a calendar year lies on the workman. No doubt, the workman stated to have worked for about 4 years continuously, but, there is no positive evidence to substantiate this fact. The workman has filed some payment vouchers which related to year 1994. The management on the other hand, filed some payment vouchers of the years 1990, 1997 & 1994. The period mentioned in payment vouchers do not indicate that the workman was engaged for 240 days in any

calendar year. Learned A/R workman submitted that Ex. W1 to W4 were prepared by the workman on the basis of his knowledge and thus tribunal should take it as basis of his right. This submission is misconceived. A self drawn chart without any counter signatures of the competent authority of the Bank, can not form basis of claim. No evidence has been given to prove that the management made payments for those dates. As such Ex-W1 to Ex-W4 are not sufficient to clinch issue in favour of the workman.

9. The management have filed payment vouchers of the years 1990-1992, 1994. These documents do not indicate casual engagement of the workman continuously for 240 days in any calendar year. There are no circumstances to warrant inference of concealing documents by the management.

10. Thus, the workman failed to prove continuous service for 240 days in the years 1990, 1991, 1992 and 1993 and he is not entitled to benefit of section 25-F I.D. Act., The action of the management in terminating the services of the workman was not unjustified. The workman is not entitled to any relief.

Award accordingly.

LUCKNOW

13-6-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 26 जून, 2001

का.आ. 1743:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सिरियन बैंक लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय एर्नाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं.एल-12011/33/2000-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 26th June, 2001

S.O. 1743.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Limited and their workman, which was received by the Central Government on 25-6-2001.

[No. L-12011/33/2000-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

PRESENT :

Sri D. Mohanarajan, B.Sc., I.L.B., Presiding Officer,
Industrial Dispute No. 1/2001 (Central)

BETWEEN

The Chairman, Catholic Syrian Bank Limited, St. Mary's
College Road, Thrissur.

AND

The workman of the above concern represented by the
General Secretary, Catholic Syrian Bank Staff Association,
Kollia Road, Reval Square Road, Thrissur.

REPRESENTATION :

Sri K. Anand,
Advocates,
Warriam Road,
Cochin.

For Management.

AWARD

The issue referred for adjudication to this court by the
Government of India as per Order No. L-12011/33/2000/IR
(B-1) dated 29-12-2000 is :

"Whether the proposed action of the management of
Catholic Syrian Bank Ltd. in unilateral withdrawal
of customary practice of availment of casual leave
on half day basis is just and reasonable? If not,
to what relief the workman are entitled?"

2. Though notice was duly served on the general secretary
of the union, there was no representation for the union. The
union was called and found absent. Whereas, the manage-
ment entered appearance pursuant to the notice served
on it. In the above situation this court is pleased to think
that the union is not at all interested to pursue the dispute
and prosecute the matter as there is no subsisting industrial
dispute to be resolved.

In the result, the reference is answered holding that there
is no subsisting industrial dispute between the parties to be
adjudicated upon.

Ernakulam,
30-4-2001.

D. MOHANARAJAN, Presiding Officer

नई दिल्ली, 26 जून, 2001

का.आ. 1744.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स धनलक्ष्मी बैंक लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय एर्नाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/30/94-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 26th June, 2001

S.O. 1744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Dhanalakshmi Bank Limited and their workman, which was received by the Central Government on 25-6-2001.

[No. L-12012/30/94-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(In the Labour Court, Ernakulam)

(Wednesday, the 25th day of April, 2001)

PRESENT :

Sri. D. Mohanarajan, B.Sc., LL.B., Presiding Officer.

Industrial Dispute No. 16 of 1995 (Central)

BETWEEN

The Chairman, Dhanalakshmi Bank Limited, Thrissur.

AND

The workman of the above concern Sri. P. K. Unnikrishnan, Kanakathareparabu, M.G. Road, Ernakulam-682 035.

REPRESENTATIONS:

Sri. P. F. Thomas,
Advocates,
Cochin-682 012.

...For Management.

Sri. Ashok B. Shenoy,
Advocates,
Cochin-682 035.

For Workman.

AWARD

The Government of India as per Order No. L-12012/30/94-IR (BI) dated 7-6-95 referred the following industrial dispute to this court for adjudication:

"Whether the action of the management of M/S. Dhanalakshmi Bank Limited in retrenching Shri K. R. Unnikrishnan from service w.e.f. 20-12-1990 is justified or not? If not to what relief the workman is entitled?"

2. Pursuant to the notice issued from this court the workman and the management entered appearance and advanced their respective pleadings.

3. The averments in the claim statement are narrated below : The workman was working as a peon in the hospital road branch at Ernakulam of the management bank from October 1979. Though he was employed against a permanent vacancy and all the duties of a permanent peon were got done through him by the management, he was not given the privileges and benefits commensurate with the permanent workmen of the bank. The management had not catered to give him an appointment letter. His requests to regularise his services in the permanent cadre were not considered by the management. On the other hand, the management retrenched the services of the workman w.e.f. 20-12-1990 in violation of the relevant provisions of the Industrial Disputes Act, Sastry Award and bipartite settlement prevailing in the banking industry. His retrenchment from service is illegal, unsustainable and unjustified. No notice or retrenchment compensation. The juniors to the workman are still retained in service by the management.

After his retrenchment, the management has also taken fresh and new hands in service. The workman was not allowed to sign the attendance register. No service record of the workman was maintained. The management is bound to absorb the workman and confirm him in regular service. He is entitled to be reinstated in service with full backwages, continuity of service and other attendant benefits. Hence it is prayed that an award may be passed holding that the action of the management in retrenching the workman from service is unjustified and directing the management to reinstate him in service with full backwages and other attendant benefits.

2. The management filed written statement contending inter alia as follows : The workman was never employed in any of the branches of the management bank as a peon. So no question of his retrenchment from service arises. The branch manager has no authority to appoint a peon in the branch. The bank of the bank is not entitled to appoint a person in its service without observing and following the procedure laid down under law. The bank is bound to notify the vacancy, invite applications and select the person through the prescribed machinery. There is no employer-employee relationship between the management and the workman. There is no industrial dispute to be adjudicated. The conciliation officer has erred in recommending the Government for a reference. The management bank never employed the worker or paid remuneration to him. The workman under reference made complaint only for the first time on 29-3-1993 for the alleged retrenchment of 20-12-1990. Hence his claim lacks bonafides and deserves no favourable consideration. The provisions of the Industrial Disputes Act, awards and settlements are not binding on a non-employee. The reference is devoid of any merit and the workman is not entitled for any reliefs as prayed for. Hence it is prayed that an award may be passed holding that the workman is not entitled to any reliefs.

4. The workman filed a rejoinder reiterating the averments in the claim statement and refuting the contentions of the management in the written statement.

5. The points that emerge for consideration are :

- (1) Whether the workman was employed by the management bank as alleged ?
- (2) Whether the workman was illegally retrenched from service ?
- (3) To what relief, if any, the workman is entitled to get ?

6. The workman was examined as WW1 and one of the branch managers of the management bank was examined as MW1.

7. Points-1 and 2 : The case of the workman is that he was employed as a temporary peon by the management bank in its hospital road branch at Ernakulam from October 1979 till 20-12-1990, on which date he was illegally retrenched from service without assigning any reason whatsoever. What is contended by the management is that he was never employed as a peon or in any other capacity in any of its branches and so there was no occasion to retrench him from service. As WW1 workman has told that he was taken in service of the management in October 1979 by

MW1, then manager of hospital road branch at Ernakulam. But MW1 has denied to have engaged the workman as peon or in any other category at any point of time during his tenure of office in that branch of the bank.

8. In conformity with the averments in the claim statement and rejoinder, WW1 has sworn that though he was not regularised in service, he was given wages through out his service, for which he had issued vouchers in due course. He would further depose that he was never allowed to put his signature or initial in the attendance register maintained by the bank. According to him, he is not in possession of any documents to substantiate his claim, and all the relevant documents for establishing his claim are in the custody of the management. Whereas, the plea of the management is that in none of the documents maintained in the hospital road branch the workman's name is seen recorded as he was never employed either as temporary or permanent peon there.

9. The workman has filed a separate application as M.P. No. 236 of 1992 for giving direction to the management to produce 3 items of documents viz. (1) Register of retrenched & temporary employees maintained under para 493 of Sastry Award in Ernakulam hospital road branch of the management, (2) Miscellaneous daily wages paid/general charges ledger accounts maintained in that branch for the period from 1-10-1979 to 31-12-90, (3) debit slips/vouchers corresponding to the above ledger accounts for the period from 1-10-1979 to 31-12-1990. The management did not produce any of the said documents, in stead of which an affidavit sworn to by the General Manager, Ernakulam zone of the management bank was filed. What is stated in this affidavit is that the management is unable to produce the documents sought to be produced as the name of the workman does not figure in any of the documents maintained in Ernakulam hospital road branch. Nothing is stated anywhere in the affidavit that the documents which are sought to be produced are not maintained by the said branch of the management bank. The manager who was examined as MW1, when asked in cross examination, has conceded that the management bank ought to have maintained the said documents under para 493 of Sastry Award. At this juncture, it has to be noted that the management has no contention that they had never employed any person as temporary peon. MW1 has further said in cross examination that in case the documents sought to be produced are produced, the court will be able to ascertain the temporary employees, if any employed by the bank and also their retrenchment, if any. Thus it is possible to make an inference that the management is willfully withholding the said registers and documents because the name of the workman finds place on them. Of course, non-production of the aforesaid documents without any reasonable cause cannot be justified. As held by the High Court of Kerala in *Spencer & Co. Limited Vs. Deputy Labour Commissioner (1997) (1) L.L.J. 664*, in such situation adverse inference has to be drawn against the employer holding that the workman was temporarily employed by the bank as a peon.

10. In the absence of any records produced by the management bank, the case of the workman spoken to by him as WW1 that he was temporarily engaged by it for a period of about 11 years up to 20-12-1990

has to be accepted as true. This position is made clear in the Supreme Court decision reported in 1986 1 LLJ 127 (Sri. H. D. Singh Vs. Reserve Bank of India and others.) The workman having worked continuously for more than 240 days in a year, is entitled to protection of section 25F of the Industrial Disputes Act and the said protection cannot be denied to him on the ground that he was a daily rated worker (See the Supreme Court decision reported in 1998 III LLJ (supp.) 714-Rattan Singh Vs Union of India and another).

11. From my foregoing discussions, it is apparent that the workman who was employed by the management as temporary peon in its Ernakulam Hospital Road branch for a period of about 11 years was illegally retrenched from services. These points are answered as indicated above.

12. Point No. 3. I have already entered into a finding that the workman who was temporarily employed by the management bank was illegally retrenched from service without assigning any reason whatsoever. Even the management has no contention that he is gainfully employed elsewhere. So he is entitled to be reinstated in service with backwages from 20-12-1990, the date of denial of employment and other attendant benefits. An award is to be passed accordingly.

In the result, the reference is answered holding that the action of the management of M/S Dhanalakshmi Bank Limited in retrenching Sri. K. R. Unnikrishnan from service w.e.f. 20-12-1990 is unjustified. An award is passed directing the management to reinstate him in service with backwages and other attendant benefits.

This award shall come into force on the expiry of 30 days from the date of its publication in the Government Gazette.

Dictated to the Confidential Assistant transcribed and typed out by her corrected by me and passed this the 25th day of April 2001.

D. MOHANARAJAN, Presiding Officer
Ernakulam.

APPENDIX

Witness examined on the side of the Management:
MW1 —Sri. V. Narayanan Kutty.

Witness examined on the side of the union:
WW1 —Sri. K. R. Unnikrishnan.

Exhibits marked on either side : Nil.

नई दिल्ली, 26 जून, 2001

का.आ. 1745:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार मैसर्स फेडरल बैंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम/व्य.यालय एनर्किन्स के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/51/95-आईआर-(बी-1)]

अजय कुमार, डेप्टी अधिकारी

New Delhi, the 26th June, 2001

S.O. 1745.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Federal Bank Limited and their workman, which was received by the Central Government on 25-6-2001.

[No. L-12012/51/95-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

(Tuesday, the 10th day of April, 2001)

Sri D. Mohanarajan, B.Sc., LL.B., Presiding Officer.

Industrial Dispute No. 15 of 1996 (Central)

BETWEEN

The Chairman, Federal Bank Limited, Alwaye.

AND

The Workmen of the above concern represented by The General Secretary, Federal Bank Employees Union, Alwaye.

REPRESENTATIONS :

M/s. B. S. Krishan Associates
Warriam Road,
Cochin-16. ... For Management.
Sri Jayasankar,
Advocate,
Cochin-682 017. ... For Union.

AWARD

The Government of India as per Order No. L-12012/51/95-IR(B-I), dated 10-6-1996 referred the following industrial dispute to this court for adjudication :

"Whether the action of the management of M/s. Federal Bank Limited Alwaye in imposing the punishment of stoppage of increment for a period of six months with cumulative effect on Sri K. Manoharan, Typist Clerk, Thottilpalam Branch of the management bank is justified? If not, what relief he is entitled?"

2. The union filed claim statement making the following averments. Sri K. M. Manoharan, the workman under reference is a typist clerk in Thottilpalam branch of the management bank. He is an activist of the union. While working at Rajapuram branch he had availed of a consumer loan for purchasing some household goods. The total loan amount availed was Rs. 10,350. On 4-10-90 he was issued with a show

cause notice alleging that even though he had availed the loan, he did not purchase the items mentioned in the quotation, thereby causing an act prejudicial to the interest of the bank. This was totally against real facts. The workman in turn submitted a detailed reply to the show cause notice denying the allegations against him. But without considering his reply, the management decided to conduct a domestic enquiry into the charges levelled against him. The domestic enquiry was conducted violating all principles of natural justice and fairness. The enquiry officer relied on an alleged statement of the shop owner and found the workman guilty of the charges. The workman was not given any opportunity to cross examine the shop owner. The findings of the enquiry officer are against the materials on record in the enquiry and are therefore perverse. The disciplinary authority simply endorsed the findings of the enquiry officer. The punishment imposed on the workman was totally unwarranted. The Appellate Authority rejected the appeal preferred by the workman. The union took up his cause and raised the present dispute. Hence it is prayed that an award may be passed quashing the enquiry, reversing the findings of the enquiry officer and holding the workman is not guilty of any misconducts alleged against him and the punishment imposed on him is not sustainable in law.

3. The management filed written statement contending inter alia as follows. For availing the loan the workman had submitted a quotation for Rs. 10350 from M/s. Rajasree furniture works, Rajapuram being the cost of furniture items. A pay order for the said amount was issued to Sri Andrews Sickria. Proprietor of the said furniture works towards the cost of furniture items and the amount under the pay order was withdrawn from his account on the same day. Later, on enquiry, it was revealed that M/s. Jayasree furniture works had not supplied any furniture items to the workman as per the quotation issued to him. The proprietor Sri Andrews informed the bank that he was neither aware of the loan availed by the workman nor about the pay order issued or routed through his account. He further informed that the workman had obtained some of his signature including one on a stamped receipt and in return a sum of Rs. 75 was paid to him by the workman. Thereupon a charge sheet was issued against the workman. As his explanation was not satisfactory, a domestic enquiry was ordered. The enquiry officer conducted the enquiry in full compliance with the principles of natural justice. The workman defended the enquiry through Sri P. P. Varghese, the secretary of the union. He was given every opportunity to cross examine the management witnesses and to adduce defence evidence. Based on the evidence on record, the enquiry officer submitted his report/finding the workman guilty of the charges levelled against him. The disciplinary authority, after observing all formalities, concurred with the findings of the enquiry officer. The workman was given an opportunity of being heard on the aspect of punishment. There after he was inflicted the punishment of stoppage of increment for six months with cumulative effect for the proved misconduct. The Appellate Authority dismissed the appeal filed by the workman. The findings of the enquiry officer was based on materials on record and

not perverse. The action of the management is legal, proper and justified. There is no circumstance warranting interference with the punishment. Hence it is prayed that an award may be passed upholding the action taken by the management against the workman.

4. The points that arise for consideration are :

- (1) Whether there was a proper and fair enquiry?
- (2) Whether the findings of the enquiry officer are supported by materials on record?
- (3) Whether the punishment imposed on the workman is sustainable?
- (4) To what relief, if any, the workman is entitled to get?

5. The parties did not adduce any oral evidence. With the consent of the union the enquiry filed was marked as Ext. M1.

6. Points 1 & 2.—The workman involved in the dispute during the period of disciplinary proceedings was a typist clerk in Thottipalam branch of the management bank. He was charge sheeted by the management as follows: While working at Rajapuram branch as bank man, he had availed a consumer loan on 30-7-88 for Rs. 8420 from that branch for purchasing some furniture items. For availing the loan he had submitted a quotation from M/s. Jayasree furniture works, Rajapuram for Rs. 10350. Sanctioning the loan a pay order for the said amount was issued to Sri Andrews Sickria, the proprietor of the said concern towards cost of furniture items said to have purchased. This pay order dated 30-7-88 was encashed on the same day from the S.B. account of Sri Andrews Sickria. Subsequently on the enquiry held by the management it was revealed that no furniture was supplied to the workman as per the quotation submitted by him. The proprietor of the furniture works gave letter to the Vigilance Officer stating that the workman had managed to obtain some of his signature in certain papers including one on a stamped receipt and a sum of Rs. 75 was paid to him by the workman as remuneration. It is further stated in the letter that he was neither aware of any loan availed by the workman nor about the pay order issued in his name and routed through his S.B. account.

7. Detailing the above matters, the management issued a show cause notice dated 9-10-90 to the workman calling upon his explanations. He gave reply to this notice denying the charges levelled against him and informing that with the loan amount he had purchased the furniture items shown in the quotation from M/s. Jayasree furniture works, Rajapuram and that payment was effected to the shop owner and stamped receipt for the same was obtained from the shop owner and submitted it to the bank. As the explanation was not acceptable to the management a domestic enquiry was ordered to enquire into the charges alleged against the workman. Sri Mathew T. Oomen, Personnel Officer, Personal and Industrial Relations Department, Head office of the management bank was appointed as enquiry officer. In the enquiry held by him, the workman participated through

out, Sri M. A. Thomas, an officer employed by the bank was the management representative. The workman was assisted in the enquiry by Sri P. P. Varghese, the Secretary of the Union. The management examined Sri T. T. Simon, Manager, Rajapuram branch and Sri K. K. Narayanan, Manager, Puthiyara branch who held enquiry as Vigilance Officer. 8 documents produced by the management were marked as Exts. ME 1 to 8. The list of witnesses and list of documents relied on by the management were given in advance to the workman. Nobody was examined from the side of the workman. The withdrawal slip relating to the withdrawal of Rs. 10350 from the S.B. account of Andrews Sickria produced by the management at the instance of the workman was marked as defence exhibit in the enquiry. On the basis of the oral testimony of the management witnesses and Ext. ME 7 report of the vigilance officer and Ext. ME 8 letter alleged to have been given by Andrews Sickria, the enquiry officer entered into a finding that the workman is guilty of the charges levelled against him. The disciplinary authority concurred with the findings of the enquiry officer and imposed the punishment of stoppage of increment for a period of six months with cumulative effect on the workman. The Appellate Authority confirmed the action of the disciplinary authority in the appeal preferred by the workman.

8. The enquiry through vigilance officer was held not on the basis of any complaint from the proprietor of Jayasree furniture works. At the instance of the vigilance officer, Ext. ME-8 letter in writing is seen to have been given by Sri Andrews Sickria. It appears that none of the documents connected with the loan transaction was shown to Sri Andrews Sickria before the complaint in writing was taken from him. He was not given any opportunity to confront with his signature on the concerned documents relating to the transaction while he was questioned by the vigilance officer. The application put in by Sri C. J. Andrews showing his inconvenience to attend the enquiry on the day specified in the summons and seeking time for his appearance before the enquiry officer was marked as Ext. ME 6 in the enquiry. From this document it is clear that no steps were taken by the management in the name of Sri Andrews Sickria who was questioned by the vigilance officer and whose complaint in writing was taken. According to the enquiry officer, as the workman was not able to prove that Sri C. J. Andrews and Sri Andrews Sickria are two different persons, he has accepted the version of the management witnesses that both are one and the same person. At this juncture, the quotation in the letter head of Jayasree furniture works marked as Ext. ME 3 in the enquiry deserves much importance. The name of Sri C. J. Andrews is printed in it as the proprietor of that furniture works. It is seen that Sri Andrews Sickria has put his signature in the quotation only for the proprietor. The S.B. account is in the name of Sri Andrews Sickria who is seen to have received the amount covered by the quotation through this account. Thus the available evidence on record discloses that Sri C. J. Andrews and Sri Andrews Sickria are two different persons. Further, nothing is specified anywhere in Ext. ME 7 report of the vigilance officer and Ext. ME 8 letter that both are one and the same person.

9. The statement of both the management witnesses before the enquiry officer was that they were told by Andrews Sickria that no furniture items were purchased from him pursuant to Ext. ME 3 quotation. Both these management witnesses were seriously cross examined at length by the defence representative on this aspect. As observed earlier, the management had not taken away any steps to get examined Sri Andrews Sickria as a witness in the enquiry. It was Sri Andrews who filed application for postponement of his examination. No doubt, the enquiry officer has erred in entering into a finding on the basis of the hearsay knowledge of management witnesses. Even the enquiry officer has reported that as per the documents and records marked in the enquiry the loan transaction was in order. The management has no case that the signatures appearing in those documents are not of the shop owner who had never made any complaint before the vigilance officer approached him. Since the contents in Ext. ME 8 complaint given at the instance of the vigilance officer are disputed, the enquiry officer was in error in accepting the same without examining Sri Andrews Sickria as a witness. The opinion formed by the enquiry officer through his report that the workman had pressurised Sri. Andrews Sickria from not attending the enquiry reveals his partisan attitude in favour of the management. When the documents exhibited in the enquiry are favourable to the loan transaction between the management and the workman, the finding of the enquiry officer based on the hearsay evidence of the management witnesses in support of the charges levelled against the workman is perverse and unsustainable. Though the enquiry officer had given ample opportunity to the workman to defend his case in the enquiry, his findings against the latter is unsupported by evidence and hence liable to be set aside. For the reasons indicated hereinbefore, these points are answered holding that the findings of the enquiry officer are perverse and unsupported by materials on record.

10. Points 3 & 4.—I have already entered into a finding that the report of the enquiry officer finding the workman guilty of the charges levelled against him is perverse and liable to be set aside. Thus no question of imposition of punishment on the workman arises for consideration. The punishment already awarded by the management is to be reversed. The points are answered as indicated above.

In the result, an award is passed in favour of the union, holding that the action of the management in imposing the punishment of stoppage of increment for a period of six months with cumulative effect on the workman is unjustified.

This award shall come into force on the expiry of 30 days from the date of its publication in the Government Gazette.

Dictated to the Confidential Assistant transcribed and typed out by her corrected by me and passed this the 10th day of April, 2001.

Urakulam.

D. MOHANARAJAN, Presiding Officer

APPENDIX

Witnesses examined on either side : Nil.

Exhibits marked on the side of the Management :

Ext. M1—Enquiry file.

Exhibits marked on the side of the workman : Nil.

नई दिल्ली, 26 जून, 2001

का.आ. 1746.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/114/99-आईआर-(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 26th June, 2001

S.O. 1746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 25-6-2001.

[No. L-12012/114/99-IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 256 of 1999

In the matter of dispute between :

Shri R. K. Sharma,
General Secretary,
Etawah Kshetriya Gramin Bank Staff Association,
C/o Shri B. P. Saxena,
426-W-2, Basant Vihar,
Kanpur.

AND

The Chairman,
Etawah Kshetriya Gramin Bank,
123, Civil Lines,
Etawah.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/114/99/IR

(B-I) dated 8-9-99, has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the management of Etawah Kshetriya Gramin Bank, Etawah in awarding punishment of stoppage of increment in respect of Shri Girwar Singh is legal and justified? If not, to what relief the workman is entitled to?"

2. In the present case after exchange of pleadings between the parties the case was fixed for filing documents and evidence of the workman on 18-6-2001, but on the date fixed instead of filing documents and adducing evidence of workman, the representative for the workman moved an application before the tribunal to the effect that the present case be treated as not pressed.

3. In view of above, it is held that the claim of the workman is liable to be dismissed as not pressed. Consequently the concerned workman is not entitled for any relief in pursuance of the reference. Accordingly the present reference is decided against the concerned workman.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.आ. 1747.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय अर्नाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2001 को प्राप्त हुआ था।

[सं.एल-12011/228/2000-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1747.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Ernakulam as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12011/228/2000-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,
ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

PRESENT :

Shri D. Mohanarajan, B.Sc., LL.B., Presiding Officer,
Industrial Dispute No. 2/2001 (Central)

BETWEEN

The Regional Manager, Vijaya Bank, Regional Office,
M.G. Road, Thiruvananthapuram.

AND

The workman of the above concern represented by the
Regional Secretary, Vijaya Bank Employees Association,
T. D. Road, Ernakulam.

AWARD

The Government of India as per Order No. 12011/228/2000(IR(B-II)) dated 24-1-2001 referred the following industrial dispute to this Court for adjudication.

"Whether UNIK BANKER installed at Wellington Island Branch of Vijaya Bank, Kochi is a machine and whether 'Unik Banker' operator is entitled to any allowance? If not, what relief the workman concerned is entitled to?"

2. There was no representation for the union, though notice was duly served on its Regional Secretary. The union was called and found absent. Whereas, in response to the notice issued from this court the management entered appearance. In the above circumstances, this court is inclined to think that the union is not at all interested to pursue the dispute and prosecute the matter, as there is no subsisting industrial dispute.

In the result, the reference is answered holding that there is no existing industrial dispute between the parties to be adjudicated upon.

Ernakulam.
30-4-2001.

D. MOHANARAJAN, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.आ. 1748.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2001 को प्राप्त हुआ था।

[सं.एल-12012/94/99-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1748.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/94/99-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
LABOUR COURT, CHENNAI

PRESENT :

Thiru B. Gokuldas, B.A., B.L., Presiding Officer.
Wednesday the 13th day of June, 2001

Industrial Dispute No. 348 of 1999

BETWEEN

Thiru M. Gunasekaran, S/o Muthukannu,
No. 9, Thidcerkuppam, Nellikuppam-607105,
Cuddalore District.

AND

ADJUDICATION

The Management of Canara Bank,
by the Asstt. General Manager,
Circle Office, 563/1, Anna Salai,
Teynampet, Chennai-18.

I.D. No. 152/2000

(Kanpur No. 270/99)

Ref. No. L-12012/105/99-IR(B-II) dt. 22-9-99/
29-9-99.

AWARD

This industrial dispute has been referred to this court for adjudication of the dispute between the workman Thiru M. Gunasekaran and the management of Canara Bank, Chennai, by the Government of India, Ministry of Labour by G.O. No. L-12012/94/99/IR (B-II) dated 6-7-99 on the following issue :

"Whether the action of the management of Canara Bank in terminating the services of the workman Shri M. Gunasekaran with effect from 4-9-93 is justified? If not, what relief is the workman entitled to?"

2. The parties did not file their pleadings.

3. Today the dispute is taken up for enquiry. Petitioner is called absent. There is no representation for the petitioner. Though ample opportunities given, the petitioner has not turned up to get on the I.D. I.D. is pending from 1999 without any progress. Petitioner is consecutively absent. In the result, an award is passed dismissing the I.D. for default. No costs.

Dated at Chennai, this the 13th day of June, 2001.

B. GOKULDAS, Presiding Officer

नई दिल्ली, 27 जून, 2001

क्र.आ. 1749—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धकों के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुवाद में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायिक लघुमंडल के पक्षों को प्रस्तुत करती है, जो केन्द्रीय सरकार को 27-6-2001 का प्राप्त हुआ था।

[सं.एन-12012/105/99-आर्जिव (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1749.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/105/99-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, LUCKNOW

Presiding Officer : Rudresh Kumar.

BETWEEN

The General Secretary
Punjab National Bank Employees Association,
Central Office, 8/75 Arya Nagar,
Kanpur (U.P.).

AND

Punjab National Bank
The Regional Manager, PNB Regional Office
94, Mahatma Gandhi Marg,
Lucknow (U.P.).

AWARD

By reference No : L-12012/105/99-IR (B-II) dated 22-9-99/29-9-99, the Central Government in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 I.D. Act, 1947 (14 of 1947), made over this industrial dispute between the General Secretary PNB Employees Association, Kanpur espousing cause of H.P. Tewari and the Regional Manager, PNB Regional Office, Lucknow for adjudication.

The reference is produced as under :

"Whether the action of the Management in reducing the entitlement of L.F.C. T.A. Bill to Sh. H. P. Tewari is justified or not? If not, what relief the workman is entitled for?"

2. Present dispute relates to illegal denial of Rs. 2479 charged by the workman H.P. Tewari towards Leave Fare Concession (LFC). The workman submitted his TA bill as per Bipartite settlement. This bill of Rs. 4260 related to his family members including brother and sister. The bank management passed bill for Rs. 1781 only and rejected claim of Rs. 2479 on ground that the income certificate of brother and sister was not submitted. Later, the workman was transferred to Unnao and he availed LFC facility in the year 1996. He submitted his bill there which was passed. The plea of the workman is that Rs. 2479 was illegally denied to him at Distt. Gonda while he was allowed at Unnao.

3. The management has admitted facts of the case. In para 5 of the written statement, the bank submitted that H. P. Tewari, submitted an undertaking on 30-6-95 to furnish income certificate of his brother and sister. He failed to file desired certificates. After lapse of 8 months a certificate was filed which was not in accordance with the relevant rules of the bank. As a matter of fact, brothers and sisters of an employee are to be treated as family members only when the parent of the employee are not having income of more than Rs. 500 p.m. in terms of H.O. circular No. 988 dt. 20-1-87 which was circulated in terms of settlement dt. 5-1-87. The case of the management, is, that in absence of certificate, the brother and sister of the employee namely; H.P. Tewari were not

treated his family members and so LFC TA bill in relation to them were denied.

4. Initially the case was filed at Kanpur but was transferred to this tribunal. Notices were issued to the workman and in compliance Mr. V. S. Yadav A/R of the workman put his appearance on 13-11-2000. Then after, the workman or his A/R absented on 28-11-2000, 19-12-2000, 12-1-2001, 1-2-2001, 12-2-2001, 2-3-2001, 21-3-2001, 18-4-2001, 26-4-2001, 17-5-2001, 29-5-2001 and 15-6-2001. The workman was issued registered notices intimating dates 29-11-2000, 21-12-2000, 5-2-2001, 14-2-2001, 5-3-2001, 22-3-2001 and 19-4-2001 but no response came. Ultimately, the tribunal proceeded ex-parte. As a matter of caution one registered notice was again sent on 31-5-2001. The management appeared but the workman absented.

5. As stated earlier, the management has not denied right of the workman to claim LFC to self and his family members. The inclusion of brother and sister in family was dependent on the income certificate. The workman did not file certificate as per rules. There is nothing on the record to indicate that the workman H. P. Tewari fulfilled financial obligation by submitting necessary income certificate as such, the denial of Rs. 2479 to him was justified. His plea that LFC was paid at his transferred place, Unnao, in the year 1996 is not a cogent reason to admit his claim. One authority may have over looked relevant rules but the other was particular to the rules. Only because LFC claim was admitted at Unnao, is not evidence or approved norm to permit earlier claim at Gonda. Material on record show that action is under way to demand certificate at Unnao also. The onus, is, on the workman to prove that his brother and sister were covered in family members as per rules. This onus has not been discharged appropriately.

6. Hence, the action of the management in reducing the entitlement of Leave Fare Concession T.A. bill of the workman H. P. Tewari was justified and proper. The workman is not entitled to any relief.

Award accordingly.

LUCKNOW

19-6-2001.

RUDRRESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.ग्रा. 1750.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2001 को प्राप्त हुआ था।

[मं.एल-12012/132/99-ग्राह्यार-(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1750.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 26-6-2001.

[No. L-12012/132/99-IR-(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT SARVODAYA NAGAR
KANPUR

Industrial Dispute No. 253 of 1999

In the matter of dispute between :
Shri R. K. Sharma,
General Secretary,
Etawah Kshetriya Gramin Bank Staff
Association.

C/O Sh. B. P. Saxena,
426-W-2 Basant Vihari,
Kanpur.

AND

The Chairman,
Etawah Kshetriya Gramin Bank,
123 Civil Lines,
Etawah.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/132/99-IR(B-1) dated 6-9-99, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Etawah Kshetriya Gramin Bank, Etawah in awarding punishment of stopage of one increment to Shri R. K. Bagri is legal and justified? If not, to what relief the workman is entitled to?

2. In the present case after exchange of pleadings between the parties the case was fixed for filing documents and evidence of the workman on 18-6-2001, but on the date fixed instead of filing documents and adducing evidence of workman, the representative for the workman moved an application before the tribunal to the effect that the present case be treated as not pressed.

3. In view of above, it is held that the claim of the workman is liable to be dismissed as not pressed. Consequently the concerned workman is not entitled for any relief in pursuance of the reference. Accordingly the present reference is decided against the concerned workman.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 27 जून, 2001

क्र.आ. 1751.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/253/90-प्रार्थना (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1751.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/253/90 IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated, 15th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B. Com. LLB,
Presiding Officer

CGIT-cum-Labour Court, Bangalore

C. R. No. 78/90

I PARTY :

The Secretary,
Syndicate Bank Staff Union,
G-6, Manish Towers,
84 J. C. Road,
Bangalore-02,
(Advocate-Shri B. D. Kuttappa).

II PARTY :

The General Manager,
Syndicate Bank Zonal Office,
I.R. Cell,
Gandhinagar,
Bangalore-09,
(Advocate-Shri V. H. Upadhyaya).

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/253/90-IR.B(II) dated 6-12-90 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Syndicate Bank in dismissing Shri Krishnaiah, Attender from the services of the Bank is justified ? If not to what relief the workman is entitled ?"

2. The first party Union workman was working with the Second Party. Charge Sheet was issued and enquiry was conducted. On the basis of the enquiry report he was dismissed and therefore, industrial dispute is raised.

3. First party appeared and filed Claim Statement.

4. Few facts are necessary and they are as under :

5. The first party workman joined the services of the second party and he was dismissed w.e.f. 13-12-1988 after holding an enquiry. The enquiry is not correct. Full opportunity was not given. The enquiry is not fair and against the principles of natural justice. The report given by the enquiry officer is not correct. Detailed enquiry was not conducted and the same is illegal as alleged in the claim statement. The first party union for these reasons has prayed to pass award in its favour.

6. Second party appeared and filed objections. The case of the Second party is that Charge Sheet was issued on 17-7-1987. Enquiry was conducted. The Enquiry is fair and proper. There is no provision in By-partite settlement that the enquiry officer should ask the workman to get a representative for him. When he asked for permission it is granted. The witnesses were cross examined and full opportunity was given. The action of the management is correct. The second party has prayed to reject the reference.

7. It is seen from the records that on behalf of the management MW1 was appointed who has given evidence regarding the enquiry. It is clear from the records that this tribunal by its order dated 31st March, 1993 held that the enquiry is not correct and the DE is set aside. Thereafter management again examined MW 11 and MW111. The first party union workman got examined himself. First he was examined for the purpose of domestic enquiry and then on merit also he gave evidence. I have read the evidence carefully. I have perused all the enquiry papers and the evidence.

8. In the instant case the domestic enquiry is set aside. In other words now the management have to establish whether the charges are proved and the misconduct is committed by the first party union workman. MW11 was working as Dy. Div. Manager at the divisional office, Hyderabad. During 1983 he was serving as Manager, Vigilance Unit at Bangalore. He conducted investigation regarding removal of two clearance cheque from Sadasiva Nagar Branch and he came to know the first party. The first party was working as Attender. He examined WW11. His investigation revealed that the first party with the help of somebody had removed two

cheques from the concerned section office and encashed fully. Ex. M-10 is one of the cheque for Rs. 3000 dated 8-3-1985 and Ex. M-11 for Rs. 4,500 dated 22-2-1985. He has given evidence about the cheques of Mr. Munirathnam.

9. On going through the evidence of this witness it is clear that the first party union workman has not directly done anything and there is no direct evidence against the first party union workman to prove the charges. We have the evidence of MW3 Shri Narasimha Murthy and according to him he is working as SDC in Public Works Department and he knows the workman since last 22 years. He was maintaining the SB Account of Second Party and his Account No. is 5916 and Ex. M-16 is the document related to this aspect. Ex. M-16(a) and Ex. M-17 are the zerox copy of the his specimen signatures and he deposited a sum of Rs. 500 when the account was opened.

10. He further states that during 1985 the first party Union Workman handed over a cheque to him to draw a sum of Rs. 3000 from Syndicate Bank, 18th Cross, Malleshwaram. Ex. M-10 is the cheque and the same day after encashing the cheque he handed over the cash to the first party. On enquiry he gave this statement. He states in his cross examination that he does not know first party union workman was knowing one Munirathnam and he does not remember the denomination of note given to the first party workman pursuant to the cheque Ex. M-18.

11. The only evidence of this witness is much relied by the second party management but in my opinion this evidence is not sufficient to say that the charges against the first party union are proved. Against all this first party union workman gave evidence that he has not committed the mistake. He has also stated that he had no money transactions. Admittedly material before me and the evidence is not sufficient to involve directly the first party union workman. I have perused the cheques carefully. There is no direct evidence that the first party union workman committed theft of cheques. In both the cheques drawer and the drawee are different persons. Taking all this into consideration I am of the opinion that without any direct evidence against the first party workman, the action of the management in dismissing him from service is not reasonable.

and the same has to be set aside. Accordingly I proceed to pass the following order :

ORDER

The reference is partly answered in favour of first party union workman and the order of dismissal is set aside. The Second party is directed to reinstate the first party union workman with continuity of service and in the given circumstances back wages are not allowed. Accordingly reference is answered.

(Dictated to PA transcribed by her corrected and signed by me on 15-6-2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.आ. 1752.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में श्रम विवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 27-6-2001 को प्राप्त हुआ था ।

[सं. एन-12012/281/97-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1752.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/281/97-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. LABOUR COURT, CHENNAI

PRESENT :

Thiru B. Gokuldas, B.A., B.L.,
Presiding Officer.

Friday, the 25th day of May, 2001
Industrial Dispute No. 2 of 1998

BETWEEN

The workmen employed in Indian Overseas Bank,
Chennai. Rep. by The General Secretary,
All India Overseas Bank Employees Union,
763, Central Office, Anna Salai, Chennai-2.

AND

The Management of Asst. General Manager,
Indian Overseas Bank, Central Office,
763, Anna Salai, Chennai-600002.

AWARD

This industrial dispute has been referred to this court for adjudication of the dispute between the workmen and the management of Indian Overseas Bank, Chennai, by the Govt. of India, Ministry of Labour, by G.O. No. L-12012/281/97-IR(B-II) dated 10-3-98, on the following issue :

Whether the action of the management of Indian Overseas Bank in terminating the services of Sh. S. Loganathan, w.e.f. 1-5-95 is legal and justified? If not to what relief the said workman is entitled?

2. The respondent filed counter-statement.

3. Today the dispute is taken up for enquiry. Petitioner is called absent. There is no representation for the petitioner. Petitioner is consecutively absent. Though ample opportunities have been given, the petitioner has not turned up to get on the petition. I.D. is pending from 1998 without any speedy progress. In the result, an award is passed dismissing the I.D. for default. No costs.

Dated at Chennai, this the 25th day of May, 2001.

THIRU B. GOKULDAS, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.आ. 1753.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में श्रम विवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 27-6-2001 को प्राप्त हुआ था ।

[सं. एन-12012/363/97-आईआर(बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1753.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/363/97-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, 'SHRAM SADAN', III MAIN, III
CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated, 15th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B. Com. LLB.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C.R. No. 69-98

I PARTY

The Regional Secretary,
Bank of Maharashtra,
Karmachari Sangh,
Anuradha Building,
S. C. Road,
Bangalore-9.

II PARTY

The Regional Manager,
Bank of Maharashtra,
Police Road,
Bangalore-4,
(Advocate—Shri N. Mahalingam)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/363/97-IR(B-II) dated 27-7-98 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Bank of Maharashtra in imposing the punishment of stoppage of two increments with cumulative effect on Shri D. K. Ramaiah is legal and justified? If not, to what relief the said workman is entitled?"

2. The first party union workman is working with the Second Party bank management. Charge Sheet was given and punishment of stoppage of 2 increments with cumulative effect is imposed and therefore, the dispute is raised.

3. First party union appeared and filed Claim Statement.

4. The case of the first party union is as follows :

5. The workman was issued memo dated 3-6-94 and 9-7-94 alleging Riotous, disorderly and indecent behaviour in the premises of the bank, wilful attempt to damage the image of the bank and its customers, wilful insubordination, negligence in performing duties and committed nuisance in the premises of the Bank. Enquiry was held. Regarding enquiry it is said the 2135 GI/2001—21

enquiry is not proper and the opportunity was not given to defend during the enquiry. Documents were not properly furnished by him and the enquiry is wrong. The action of the management is vindictive, mala fide, unfair and against the principles of Natural Justice. The first party union has prayed to pass award in its favour.

6. Second party appeared and filed Written Statement.

7. The case of the Second party is that the first party is working as sub-staff (Bill Collector) City Market Branch, Bangalore. Charge sheet was issued to the workman but the workman failed to submit his explanation. Particulars of the departmental enquiry are stated in para 2 of the objections and details of the enquiry is given. It is said that the enquiry is true and correct and the action of the management is Just and Proper. The second party has prayed to reject the reference.

8. It is seen from the records that the first party has commended the validity of DE and my learned predecessor has held that the DE is fair and legal. Thereafter the matter was posted for arguments.

9. Written Arguments are filed. I have heard both sides. It was argued on behalf of the first party that the documents were not furnished to the workman during the entire proceedings. The punishment has caused monetary loss to the workman and the action of the management is not correct.

10. It is clear from the records that the workman has commended the departmental enquiry. I have seen the documents filed by the first party. There is no material shown by the first party union to say that the enquiry report is perverse.

11. I have considered the enquiry papers and I am of the opinion that the enquiry report is correct based on the material before him and there is no perversity. I have also considered the Written Arguments of the Second Party. Considering the misconduct I am of the opinion that the action of the management is correct and there is no merit in this reference.

12. Accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 15-6-2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 27 जून, 2001

का.आ. 1754— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निडिकेत बैंक के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप ग्याल्य, बंगलोर के पंचाट को प्रस्थित करती है, जो केन्द्रीय सरकार को 27-6-2001 को प्राप्त हुआ था।

[सं. एल-12012/408/95-ग्राईप्रार(बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2001

S.O. 1754.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 27-6-2001.

[No. L-12012/408/95-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT 'SHRAM SADAN', III MAIN,
III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 15th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B Com, LLB,
Presiding Officer

CGIT-CUM-Labour Court, Bangalore.

C. R. No. 194/97

I PARTY :

Shri R. Shanmugam,
7/5 II, I Main Road,
Hanumanthapura,
Srirampura,
Bangalore.
(Advocate-Smt. D. Leelakrishnan).

II PARTY :

The Zonal Manager,
Syndicate Bank,
Gandhinagar,
Bangalore-9
(Advocate—Shri V. H. Upadhyaya).

AWARD

1. The Central Government by exercising the power conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/408/95-IR(B-II) dated 10-2-1997 for adjudication on the following schedule:

SCHEDULE

"Whether the management of Syndicate Bank is justified in treating the services of Shri Shanmugam as Voluntarily retired with effect from 9-8-1988? If not, to what relief the workman is entitled?"

2. The first party workman was working with the second party management and he remained absent for a long period and the management is treating his absence as Voluntary Retirement with effect from 9-9-1988 therefore, dispute is raised.

3. The first party appeared and filed claim statement

4. The case of the first party in brief is as under:

5. The first party joined the services of the Second party Bank as a Probationary Clerk on 9-4-1973 after 6 weeks training in the staff Training College at Manipal. He was posted to work in the Davan-gere Branch of the Bank and later was transferred to various branches at Bangalore. He was confirmed in the Grade of Clerk from 28-10-1973.

6. It is the further case of the first party that in the month of February 1988 he fell sick on account of low Back Ache Syndrome and he was advised by medical officer to take treatment and complete rest for three months from 24-2-1988. He was given details of his sickness in para 5 of the Claim Statement. He received letters from the Second party stating that he was absent without leave and he was called upon to resume duty failing which he deemed to have voluntarily retired from the Bank's service. But his case is that he was not allowed to work. The action of the management is not correct. Show Cause notice was issued under clause 16 of the IV Bipartite Settlement, giving him 30 days time to report for duty. This mandatory requirement has not been complied with by the Second party and complied with the mandatory provisions of Section 25-F, 25G and 25N. The action amounts to termination. The first party has prayed to pass award in his favour.

7. Second party appeared and filed Written Statement.

8. The case of the Second party is that the first party was in the habit of remaining absent from duty unauthorisedly and he did not improve himself. On previous occasions also he was not regular. He was served with notices on 21-11-1985 and 7-11-1986 invoking clauses of the Bipartite Settlement and he reported for duty during notice period. Charge sheet was issued regarding irregular attendance and punishment of warning was imposed. He committed further misconduct viz. disorderly or indecent behaviour on the premises of the Bank, Wilful insubordination or disobedience of any law ful and reasonable order of the management or of a superior and riotous or disorderly or indecent behaviour on the premises of the bank. Punishment of dismissal was imposed on him w.e.f. 29-9-1975 and this was confirmed. But on a Memorandum of Settlement dated 12-8-1977 the bank considered the request of the union to view the matter leniently and agreed to reduce the punishment from dismissal to one of stoppage of increment.

9. It is the further case of the management from 24-2-88 that the first party absented from duty unauthorisedly for a long time and therefore provisions of clause 16 of the IV Bipartite settlement and accordingly 30 days notice was served on him and he was treated as takes Voluntary Retirement w.e.f. 9-8-1988. The first party workman remained unauthorisedly absent. All the allegations made by the first party are not correct. Second party has prayed to reject the reference.

10. First party workman examined himself. For the management MW1 was examined. The evidence of first party is that from 24-2-88 to 8-8-88 he was absent and he says that he absented after he applied for leave. He has sent leave letter along with medical

certificate. He also sent another medical certificate as per Ex. W-2 along with covering letter Ex-W2(a). They are sent through his colleague, Shri Anand. He did not receive an acknowledgement. The Manager refused to take him duty due to his absence without leave and permission. He did not receive any notice from the bank earlier to 9-8-88. He approached the management and represented to re-consider the order of termination but nothing was done. He did not receive any charge sheet from the management and no enquiry was conducted. He states in his cross examination that he was taking treatment as out patient. He says he has to search in his house to show the prescription letters for take medicine and injections. He was taking treatment at K. C. General Hospital which is one Km from his house. Further he says that he took treatment at Lakshmi Nursing Home. He verified with Anand about handing over his leave application and he told that he has given to the management. He is aware of the fact that the bank will not issue the acknowledgement which he knew by virtue of his working in the bank. He did not give any representation to the management on 9-9-88.

11. On going through the above cross examination it is clear that he was taking treatment only as a out patient. His case is that through one Anand he had sent application but for the reasons best known to the first party workman, Anand is not examined. His evidence is relevant but that is not produced by the first party. According to his evidence it is clear that he remained unauthorised absent and he was not bothered to follow the rules and regulations and to work sincerely in the bank.

12. It is forthcoming from the records that earlier also he misbehaved and he was dismissed and minor punishments were imposed. The circumstances would go to show that he is not a sincere worker of the second party management. MW1 has given evidence on behalf of the first party workman and notices were given to the first party workman. He has also said that he remained absent from 24-2-1988 and it was unauthorised absence. MW1 is cross examined but nothing is made out so as to say that the first party workman remained absent by giving leave application.

13. I have carefully perused all the relevant documents and I am of the opinion that the first party workman has not proved that he gave leave application when he remained absent from 24-2-88. There are some copies of applications but they are for different dates and for extension of leave. Of course medical certificates are filed but the first party workman has not filed the first leave application for applying leave from 24-2-1988.

14. It was argued by the learned counsel for the second party that according to the Bipartite Settlement Clause 16 the first party workman remained absent and has not submitted any application for leave and absented himself from work for a period of more than 90 days. It amounts to voluntary cessation of employment by the first party workman and therefore, the action of the management is correct. The learned counsel for the first party could not convince and show that the first party remained absent on the ground of ill health on 24-2-88 by applying leave. I already

said that Anand is not examined and there is no leave application from 24-2-1988.

15. I have carefully read the lengthy Written Argument submitted by the first party workman. There is no merit in the allegations made by the first party. It is not forthcoming from the Written Arguments that the first party workman has filed copy of the leave application given on 24-2-88. In other words he remained absent unauthorisedly without applying leave.

16. The first party has relied decision reported in Syndicate Bank Vs. the General Secretary, Syndicate Bank Staff Association & Anr. in Civil Appeal No. 4263 of 1999. I have read the above decision carefully. He has also relied decision reported in CA. No. 1471/1999 dated 21st November, 2000 the decision of the Hon'ble Supreme Court of India. I have read both the decisions carefully. In fact the first decision is not helpful to the first party workman. The facts of the case on hand are quite different from the facts of the above decisions.

17. In the instant case there is no leave application and the first party workman has not applied leave from 24-2-88. The facts of the second decision are also quite different. In the instant case the first party workman himself remained absent unauthorisedly and has not reported for duty. He has not proved that he applied for leave.

18. The learned counsel for the second party relied decision of (2000) 5 Supreme Court cases 65, Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association and another. He has also relied one case of the Hon'ble Supreme Court Of India Citation 2000 SOL case No. 655. I have read both the decisions carefully.

19. It is clear that the first party did not apply for leave and he remained absent himself and there is no evidence that he reported for duty. Therefore the action of the management is correct and there is no merit in this reference. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 15-6-2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 28 जून, 2001

का.आ. 1755.-- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार साउथ इंडिया बैंक लिमिटेड के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पानघाट के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2001 को प्राप्त हुआ था।

[सं. एन-12012/219/99-आईआर-(बो-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 28th June, 2001

S.O. 1755.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Palakkad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South India Bank Ltd. and their workman which was received by the Central Government on 27-6-2001.

[No. L-12012/219/99-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, PALAKKAD

(Monday, the 11th June 2001)

PRESENT

Sri B. Ranjit Kumar Industrial Tribunal.

Industrial Dispute No. 147/99(C)

BETWEEN

The Chairman, The South Indian Bank Ltd,
Head Office, T.B. Road, Trichur-680 001.
(By Adv. M. Venugopalan)

AND

Shri A. T. Jose, Erinjeri House, MLA Road,
Nr. Kochupally, Nadakkavu, P.O. Udaya-
peroor, Dist. Ernakulam.
(By Adv. Sreekumar Puthazhath)

AWARD

The Government of India, Ministry of Labour as per Order No. L-12012/219/99-IR (B-I) dated 24-8-1999, referred the following issues for adjudication:

"Whether the action of the management of the South Indian Bank Ltd. in dismissing Shri A. T. Jose, Clerk, Peermade Branch from the services of the Bank with effect from 24-6-1998 is justified? If not, what relief the workman is entitled to?"

2. Earlier an ex parte award dated 10-5-2000 was passed against the workman. The workman filed M.P. No. 112/2000 to set aside the said ex parte award. The management did not oppose the M.P. and hence the same was allowed and the matter is now considered on merit.

3. The workman would submit in his claim statement dated 6-5-2000 and rejoinder dated 16-10-2000 that the workman was dismissed from service alleging certain charges against him. According to workman, the dismissal was without conducting a proper domestic enquiry. It is further submitted by him that some of the officers of the management-bank have got some enmity towards him and they induced the management to dismiss him from service.

4. The management has filed written statement dated 18-9-2000 refuting the above averments of the

workman. According to management, the disciplinary action taken against the workman including conducting the domestic enquiry was in accordance with the principles of natural justice.

5. It is submitted by the workman that some of the Officers of the Management Bank have got some enmity towards him and at their instance the management had taken disciplinary action against him. But the workman has not furnished the names and addresses of the said officers or the nature of alleged enmity which they had towards him. This is a serious allegation which is to be proved by adducing legal evidence and furnishing all the particulars. In the present case, the workman has not done so. Therefore, it is found that the above averment of the workman is entirely baseless and unsustainable.

6. The other point to be considered is whether the domestic enquiry held into the charges against the workman is proper. A perusal of Ext. M1 enquiry file shows that the workman participated in the enquiry throughout and he cross-examined all the management-witnesses. The Enquiry Officer has granted adjournments whenever request were made in this regard by the workman. After the completion of the examination of management-witnesses, the workman submitted that he has no witness to be examined. The workman has signed the enquiry proceedings on all the days and during the course of enquiry or thereafter he had not raised any procedural defect in the domestic enquiry. Even in his reply to the second show-cause notice submitted to the management or in the claim statement and rejoinder filed before this Tribunal, the workman has not pointed out any specific procedural irregularity in conducting the domestic enquiry. In the circumstance, I hold that there is no procedural infirmity in conducting the domestic enquiry.

7. The next point to be considered is whether the workman is guilty of the charges levelled against him vide chargesheet dated 23-12-1997.

8. The charge levelled against the workman are as follows:—

"It is alleged that while working as Clerk at Branch Peermade of South Indian Bank Ltd., he committed the following acts of misconduct.

- (1) That on 26-6-96 while he was handling cash section among other Sections, he removed a sum of Rs. 5000 from Bank's cash and the shortage was made up with the proceeds of a forged SB cheque bearing No. 869645 dt. 28-6-96 for Rs. 5000 for which there was no one to receive the cash. Though the cheque was passed for payment by the Manager, the cheque was not debited in the a/c first. Thus he misappropriated an amount of Rs. 5000 from the Bank's money fraudulently.
- (2) That on 30-8-96, he received an amount of Rs. 1000 after business hours from one Miss. D. Bindu for remitting towards her Savings Bank account No. 3874 with the branch. He did not account

the said amount in the books of accounts of the Bank, but misappropriated the same. He remitted the amount on 8-1-97 only when the a/c holder presented cheque for withdrawing the amount.

- (3) That on 30-8-96 he made a fictitious credit entry of Rs. 1000 under his initial in the SB Pass Book of Miss. D. Bindu with date 31-8-96 in order to make it appear that the amount of Rs. 1000 that he received from her as stated in charge No. 2, had been duly remitted to her SB account (No. 3874) on 30-8-96 as late cash. Thus he defrauded the customer of the bank as well as the Bank.
- (4) That on 29-5-97 he borrowed Rs. 200 which he has not repaid so far, from one of the customers of the bank, Miss Smitha Rajendranath, when she came to the branch for withdrawing Rs. 800 from her Savings Bank Account No. 3890 and thereby he misused his official position.

The aforesaid acts alleged to have been committed by him amount to gross negligence involving or likely to involve the bank in financial loss, misappropriation fraud and misuse of official position."

9. The management has examined five witnesses and produced the relevant documents to substantiate the above charges. A perusal of the testimonies of the management-witnesses and the documentary evidence available in Ext. M1 enquiry file shows that the workman is guilty of he aforesaid four charges. Therefore, it cannot be held that the findings of the Enquiry Officer are perverse.

10. The next point to be considered is whether the punishment of dismissal meted out to the workman is proportionate to the gravity of the misconduct committed by him.

11. Among the four charges levelled against the workman the 4th charge appears to be a private transaction between the workman and a customer of the Management-Bank. According to management, he has misused his Official capacity by borrowing Rs. 200 from the customer of the Bank. I do not find any substance in this submission. Since this is purely a private transaction this cannot be considered as a misconduct warranting disciplinary action.

12. The other three charges proved against the workman would definitely amount to misconducts of negligence, misappropriation, fraud and misuse of official position. The workman has made an attempt to show that it was he who brought the notice of the management the illegal transactions referred under charge Nos. 1, 2 & 3 and hence he is innocent. But it is an admitted fact that at the relevant time, the workman was the custodian of the cash and hence he is answerable to the shortage of Rs. 5000 alleged under charge no. 1. There is also ample evidence in the enquiry to show that he had received an amount of Rs. 1000 from Miss. D. Bindu after business hours on 30-8-96 and he remitted the said amount only on 8-1-97. But he had made a false credit

entry of Rs. 1000 under his initial in her S.B. Pass Book on 31-8-96.

13. Of course, Sri. P. K. Kochanthony, the Chief Manager, who has submitted a report dated 25-10-96, has observed that the Manager who was in-charge of the branch at the relevant time was not vigilant and there was dereliction of duty on his part. This might have enabled the workman to commit the above misconducts. However, he cannot escape from the disciplinary action stating that the Branch Manager or other 4 employees of the branch were also responsible for the incidents coming under charge nos. 1, 2 and 3.

14. There can be no doubt that the charge nos. 1, 2 and 3 proved against the workman is so grave as to warrant the punishment of dismissal from service. The management is a financial institution dealing with public money and a person who has committed the above misconducts cannot be retained in service. The mis-conduct proved against him are also amount to criminal offence. The management has also brought to the notice of this Tribunal by producing Ext. M2, M3 and M4 documents that his past service record is blemished. He was once dismissed from service by memo dated 15-2-83. However, the management had taken lenient view at that time and the punishment of dismissal was converted into reduction in rank. Accordingly, he was reinstated in the post of Clerk. In the circumstance, I do not find any reason to interfere with the punishment of dismissal now meted out to the workman.

15. In the result, an award is passed holding that the action of the management of the South Indian Bank Ltd. in dismissing Shri A. T. Jose, Clerk, Peermade Branch from the service of the Bank with effect from 24-6-1998 is justified and he is not entitled to any relief.

Dated this the 11th day of June, 2001.

B. RANJIT KUMAR, Industrial Tribunal

APPENDIX

Witnesses examined on the side of Management.
Nil.

Witnesses examined on the side of Workman.
Nil.

Documents marked on the side of Management.

Ext. M1—Enquiry File.

Ext. M2—Office Order issued to Trichur Regional Office by Chief Superintendent of Staff Department dated 11-6-1983.

Ext. M3—Letter dated 11-6-1983 issued to A. T. Jose by Deputy General Manager.

Ext. M4—Memo dated 15-2-1983 issued to A. T. Jose.

Documents marked on the side of workman.
Nil.

नई दिल्ली, 22 जून, 2001

Shri K. C. Kanungo, Advocate. . . For
the 2nd Party-Union.

AWARD

का.आ. 1756.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार अथवा इण्डिया लि. के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम अनुसूच के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2001 को प्राप्त हुआ था।

[सं.एच-30012/69/96-आईएल(सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1756.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil India Ltd., and their workman, which was received by the Central Government on 22-6-2001.

[No. L-30012/69/96-IR(C-1)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT :
BHUBANESWAR

Present :

Sri S. K. Dhal, OSJS (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-
Labour Court, Bhubaneswar

Industrial Dispute case No. Tr. I.D. 135/2001

Dated, Bhubaneswar, the 14th June, 2001

BETWEEN :

The Project Manager,
Oil India Limited, Bay,
Exploration Project,
Bhubaneswar. . . 1st Party-Management.

AND

The General Secretary,
Mahanadi Petroleum,
Exploration Employees,
Union. (OIL), Bhubaneswar. . . 2nd Party,
Union.

Appearances :

Shri S. B. Nanda, Advocate, . . For
the 1st Party-Management.

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-30012(69)/96-IR (Coal-I), dated 26-9-1997 :—

“Whether the demand of the Union for the Promotion of Shri B. K. Das as Steno-typist Grade-III with effect from March 1985 is legal and justified ? If so, to what relief is the workman entitled” ?

2. While making reference the Government of India sent the copy of the reference to the General Secretary, Mahanadi Petroleum Exploration Employees Union (herein-after called as the 2nd Party-Union) and to the Project Manager, Oil India Limited (herein-after called as the 1st Party) directing to file the claim statement and written statement respectively before this Tribunal. In pursuance of such direction the 2nd Party-Union filed the claim statement after serving copy to the 1st Party-Management. Thereafter the 1st Party-Management filed the written statement serving copy to the 2nd Party-Union.

3. The case of the 2nd Party Union may be stated in brief.

4. One Shri B. K. Das, was appointed in the Post of clerk-cum-Typist in the Grade-II in the Organisation of the 1st Party-Management from 17-10-1983. Shri Das was directed to work as steno-typist in view of his experience and proficiency in the stenography. He has pleaded that, when he was discharging the work of steno typist right from the beginning of his employment under the 1st Party he had claim to be promoted to the Post of Steno typist, Grade-III which carries higher scale. So he made representation for the promotion. This continued till the year 1988. Thereafter Shri Das was offered promotion to the Post of Steno-typist in Gr. III by the 1st Party-Management under letter No. BEP/Admn./BKD-690, dated 17-5-88. The said promotion was retrospective effect from 1st Oct. 1985 with consequential benefits. On receipt of the said offer of promotion Shri Das represented to the General Manager on

31-5-88 for consideration of his promotion to the Post of Steno-typist Gr. III with retrospective effect i.e. from March 1985 instead of 1st Oct. 1985. No reply was received by the 2nd Party from the 1st Party in this regard. Reminder was also submitted on 16-1-91 and thereafter the 1st Party intimated to Shri Das that the offer of promotion extended to him was cancelled in view of denial to accept the promotion. So he raised the dispute before the A.L.C. (C), Bhubaneswar. Reconciliation failed and the matter was referred to the Govt. of India (Ministry of Labour) who has made reference as stated above.

5. The 2nd Party-Union has pleaded in his claim statement that the order of promotion given to Shri Das can not be treated as cancelled since the representation dtd 31-5-88 and 16-1-91 contained the request of the workman for extension of benefit with effect from March 1985 but not refusal or denial on offer of appointment. Further prayer has been made to extend the promotion and consequential benefits w.e.f. March 1985 instead of 1st Oct. 1985.

6. The 1st Party in the written statement has pleaded that the name of Shri Das (2nd Party Union) was sponsored by the Employment Exchange along with others for the Post of Clerk-cum-typist in Gr. II. The name of other candidates were sponsored for the post of Steno-typist. Shri Das (2nd Party) and some others were selected for the post of Clerk-cum-typist. As the Post of steno-typist remained vacant in absence of suitable candidates the 1st Party and some others approached the Management for the promotion to the Post of steno-typist. They were asked to sit in the test which was held on 8-7-1985. But the 2nd Party failed to qualify in the test. Again the employment exchange was requested to sponsor the names of the candidates for the post of steno-typist. The employment exchange sponsored the names of 35 candidates. Test and Interviews were conducted. Three candidates namely Shri M. R. Mallick, K. C. Pattnaik, and Shri G. D. Das were selected and were given appointment. Before appointment of the above persons Shri Das (2nd Party) and his friends were given opportunity to appear in the test and interview held on 18-7-85. But as stated earlier Shri Das was disqualified. The 2nd Party went on representing the 1st Party for appointment to the Post of Steno-typist. The

Union-2nd Party took up their case and pressure was given to the 1st Party for their appointment as steno-typist. So to avoid confrontation with the employees union at a crucial time of the Project the 1st Party constituted a Committee of few officers to examine the representation of Shri Das and others and to give its recommendation whether they are suitable to be appointed as steno-cum-typist. Accordingly on 13-4-1988 the Committee considered the case of Shri Das (2nd Party) and others and on the basis of examination of available documents recommended that the 2nd Party-Union and one Shri G. C. Das may be promoted as Steno-typist in Gr. III w.e.f. 1-10-1985. While recommending the case of the 2nd Party no test was conducted. However, that recommendation was approved by the General Manager of the 1st Party. Thereafter orders of appointment were issued to the 2nd Party wherein he was asked to join as steno-typist w.e.f. 1-10-1985. It has been pleaded by the 1st Party as Shri Das did not accept the offer of promotion and represented that his promotion should be effective from March 1985 so his order of promotion was cancelled. It has been submitted that the prayer of the 2nd Party is not tenable and he is not entitled for any relief.

7. On the above pleadings of the parties the following issues have been settled :—

ISSUES

I. Whether the demand of the Union for promotion of Shri Das as Steno-typist, Gr. III, w.e.f. March 1985 is legal and justified ?

II. If so what relief the workman is entitled to ?

8. On behalf of the workman two witnesses have been examined. The Witness No. 1 is the workman himself and the Witness No. 2 is the General Secretary. The 1st Party Management has also examined two witnesses. Management Witness No. 1 is the Asst. Officer (Admn.) and Management Witness No. 2 is the Sr. Admn. Officer. Both the parties have filed the documents in support of their pleadings.

FINDINGS

ISSUE NO. I.—The main grievance of the workman is that he should have been given promotion from March 1985 instead of 1-10-1985. He claimed this because according to him from the date of his appointment

his services have been utilised as Steno-typist and vacancy was there on March 1985. On the other hand it has been submitted on behalf of the Management that, the workman was initially appointed as a clerk-cum-typist but he made representation to be promoted to the Post of Steno-typist and he was given opportunity to qualify himself but he could not qualified. As the workman and the Union insisted to bring cordial relationship between the union and the Management the case of Shri Das and two others were considered as a special case and after verification of their performances as a special case they were given promotion to the Post of Steno-typist. So according to the Management, the workman can not claim the said promotion as a right and from the date he desires.

9. Admittedly the workman was appointed in a Post of clerk-cum-typist in Gr. II. It is revealed from the appointment order which has been exhibited in this as Ext. I. The post of steno-typist is a different grade having different scale. Ordinarily a clerk-cum-typist can not be promoted to the post of steno-cum-typist. It is true that the workman had worked as a Stenographer on other organisation before his selection by the Management. But he was appointed as a clerk-cum-typist. Even if his services has been utilised as a Stenographer that would not give him a right to claim a promotion to a different grade and scale. But however, the Management as a special case has considered the case of the workman and others and promotion was given to them to the Post of steno-typist with effect from 1-10-1985. In that case, the workman in my opinion has got no right to claim that he should have been promoted from 1st March 1985. Ordinarily promotion should have been worked out from the date of order but however the Management has become kind enough by giving retrospective promotion with financial benefits. The claim of the workman to get retrospective promotion from March 1985 in my opinion has got no foundation at all. In the other words the demand of the union for promotion of Shri Das as a Steno-typist w.e.f. March 1985 is not justified.

ISSUE NO. II

10. The workman on receipt of the promotion order has made a representation to give him promotion from March 1985. His representation kept pending and it was disposed of after a long time stating that the

workman has refused the promotion and so the order of promotion was cancelled.

11. Ext.-4 is the representation of the workman on receipt of his promotion order. In the last para he has mentioned that as follows :—

“In conclusion, I beg to state that I have performed the job of Gr. III Steno-typist and have been paid the salary of Gr. II Clerk-typist. This has gone on for a period of 4 1/2 years and I have performed the job with the hope that my case would be considered by management in course of time. However, I am constrained to state that my case has been consistently ignored by Management. I, therefore, return herewith the above mentioned promotion letter with my respectful request that I may be given promotion with effect from March, 1985. Once against I earnestly appeal to Management's sense of fairplay and hope that my request will receive due consideration”.

12. Basing on this it has been submitted on behalf of the Management that the workman refused promotion whereas it has been submitted on behalf of the workman that it was a mere representation but not refusal of promotion. After going through the representation I am of the opinion that when the workman has returned the promotion letter requesting that he should have been given promotion from March 1985 would amount to refusal to accept the offer of promotion. So in face of this he is not entitled for any relief.

13. During the course of argument, though issues have not been framed the question of limitation and non-joinder of parties have been raised before this Tribunal. No issues in this regard has been framed. No evidence has also been adduced by the parties, in respect of limitation and non-joinder of the parties. I am of the opinion the dispute can be adjudicated in absence of two friends of the workman because there is no compelling ground to make them parties. In their absence the dispute can be adjudicated. So it can not be said that due to non-joinder of the parties the reference is illegal. As regards limitation it has been submitted on behalf of the workman that no limitation has been prescribed while making reference

uls. 10 of the I.D. Act. On the other hand it has been contended on behalf of the Management that a stale dispute cannot be a subject matter of reference for adjudication. The observation made in the case of The Nedungadi Bank Ltd. Vrs. K. P. Mallavakutty reported in 2000 LLR 340 SC has been brought to the notice of this Tribunal. In Para 6 of the said judgement the following observations has been made :—

“Law does not prescribed any time limit its powers under section 10 of the Act. It is not that this power can exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Govt. has exercised powers in this case after lapse of about seven years of order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising industrial dispute was ex facie bad and incompetent.”

14. In this case the 1st representation was made by the workman on 31-5-88 (Ext-4). Reminder was made on 16-1-91 (Ext-7). Ext D/D is the letter addressed to the Union who is representing the workman from the Management. In Para-8 it has been mentioned that inspite of pursuation the workman

did not accept the promotion w.e.f. 1-10-1985 and so the order was passed to cancel the promotion in view of denial. This letter is dtd. August 1994. The reference has been made by the Government in the year 1997. In the reported case after lapse of 7 years of order dismissing the respondent from service reference was made. So it was held that at the time of reference was made no Industrial Dispute existed or even said to have been apprehended. Therefore their lordship were pleased to observe that a dispute which is stale could not be the subject matter of reference under section 10 of the Act. It was further observed that as to when a dispute can be said to be stale would depend on the facts and circumstances of each case. In the present case the representation of the workman was disposed of after a long time. So after 4 years of communication of letter reference has been made. The workman has stated that they had several discussions with the Management to finalise his case. So in my opinion in this case the dispute can not be treated as a stale dispute and the Government can make a reference u/s. 10 of the Act considering the peculiar circumstances of the case.

Reference is accordingly answered.

Dictated & Corrected by me.

Dated : 14-6-2001

S. K. DHAL, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1757:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑयल ब्लेंडिंग लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट को प्रकथित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं.एल-30012/73/97-आईआर(सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1757.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Blending Ltd. and their workman, which was received by the Central Government on 21st June, 2001.

[No. L-30012/73/97-IR(C-I)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA

Reference No. 26 of 1998

PARTIES :

Employers in relation to the management of M/s.
Indian Oil Blending Limited.

AND

Their Workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding
Officer.

APPEARANCES :

On behalf of Management : Mr. A. Ghosh, Advoca-
gate with Mr. D. Mukherjee, Advocate and
Mr. R. Talukdar, Advocate.On behalf of Workmen : Mr. M. Dutta, Advocate
on behalf of Indian Oil Blending Ltd. Emp-
loyees Union.None for the Indian Oil Blending Ltd. Employees
Association (Cal.).

STATE : West Bengal. INDUSTRY : Petroleum

AWARD

By Order No. L-30012/73/97-IR(C-1) dated 30th June, 1998 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Indian Oil Blending Limited, Calcutta to discontinuing 1/2 day casual leave practice even on Saturday is justified? If not, to what relief the workmen are entitled to?”

2. The present dispute arose because of the objection on the part of the workmen of Indian Oil Blending Limited (hereinafter to be referred as IOBL) regarding curtailment of benefit in respect of half day casual leave available to them from before. It has been stated on behalf of the Indian Oil Blending Employees Union (hereinafter to be referred as IOBL Employees Union) that on 1-1-1995 the management of IOBL withdrew unilaterally the system of grant of half day's casual leave to the employees which was available to them from before. It has been stated that since it was done without issuing notice under Section 9A of the Industrial Disputes Act, 1947, the action of the management is illegal and this order being of unilateral nature is fit to be cancelled and withdrawn. It has been stated that for withdrawing the facility of half day's casual leave including on Saturdays, it was necessary according to Rule 34 of the Industrial Disputes (Central) Rules, 1957 to send a notice to the employees and the Union representing the employees and such notice is in accordance with Section 9A of the Industrial Disputes Act, 1947, but no such notice was served in contravention of the provisions of the Act and the Rules. It has also been

stated that after the withdrawal of the facility the union sent a notice dated 19-01-1995 to raise the dispute on the matter before the Regional Labour Commissioner and the process of conciliation was started, but the conciliation could not materialised and the matter was accordingly referred to the Central Government. Therefore, it has been prayed that the said withdrawal of the facility of half day casual leave to the employees of the IOBL be struck down as illegal.

3. Actually, there were two unions of the employees involved in the matter, but subsequently, the union known as IOBL Employees Association failed to appear to contest the matter. The other union, IOBL Employees Union pursued the matter.

4. On receiving notice, the management appeared and filed a written statement to contest the claim. It has been stated that the present reference is not competent as the order in question has been passed in terms of a settlement being memorandum of understanding executed between IOBL and its workers represented by IOBL Employees Union dated 10-9-91. It has been further stated that at the instance of the workmen represented by the IOBL Employees Union a memorandum of understanding was executed which was signed by the representatives of the management as well as of the union. It is further stated that as a result of this memorandum, facilities, benefits, terms and conditions of service applicable to the workmen of the Indian Oil Corporation Ltd. were made applicable to the employees of the IOBL. It is further stated that it was stipulated in the memorandum of understanding that all policies of the Indian Oil Corporation Ltd. would ipso facto be applicable to the workmen of IOBL. It is stated that the said memorandum of understanding was a settlement as defined under the Industrial Disputes Act and is still valid and subsisting. It is further stated that the condition of service of the workmen of the Indian Oil Corporation Ltd. are governed by long term settlement entered into between Indian Oil Corporation Ltd. and its workmen represented by their trade unions. So, upon execution of the said memorandum of understanding the workmen of IOBL became entitled to and receive all the benefits provided by the long term settlement then in vogue which was dated 5-12-1992. Subsequently, another long term settlement was entered into between the I.O.C. and its workmen on 19-09-1994 and the said settlement was also made applicable to the workmen of IOBL as per the terms of memorandum of understanding. It is stated that since the said long term settlement of 19-09-1994 for upward revision of pay scales, dearness allowance, special allowance, leave encashment and other benefits and the same were made available to the workers of IOBL, entire settlement was applicable to them. Accordingly, because in the long term settlement the system of grant of casual leave for half day to the workmen was done away with alongwith other provisions, the same were made applicable to the workmen of IOBL also. It has been denied that the facility of grant of half day's casual leave was unilaterally discontinued and it has been stated that the same was discontinued by reason of the memorandum of understanding dated 10-09-91 read with long term settlement dated 19-09-1994.

Therefore, it has been stated on behalf of the management that the claim of the workmen in this reference is not fit to be entertained.

5. Both the parties produced certain documents and adduced oral evidence also in support of their respective claims. So far as the union is concerned, it examined WW-1, Rabindranath Mukherjee who happened to be the General Secretary of the IOBL Employees Union. He stated that IOBL has its only plant at Paharpur in West Bengal and the total strength of the staff is 233 and the number of workmen is 195. He also stated that the membership of the union is 170 and the union is also recognised by the management. He further stated that the practice of taking half day casual leave even on Saturday was in vogue since 1973, but the practice has been withdrawn by the management in 1994 and no notice under Section 9A of the I.D. Act was issued to the workmen for withdrawal of the said facility. It has been denied by him that IOBL has merged with the Indian Oil Corporation Ltd. in terms of a memorandum of understanding dated 10-09-1991. He stated that the Board of Directors and General Manager of IOBL are different from the Board of Directors and the General Manager of Indian Oil Corporation Ltd. and the Registration Numbers of both the organisations are also different. He also stated that the Head Offices of the two undertakings are different and both the undertakings have their different service conditions and standing orders. He stated that there was short term agreement on 06-04-1993 between the management of the IOBL and the workmen represented by the IOBL Employees Union and the workmen of IOBL are not bound by the terms of the agreement between the employees of I.O.C. and the management of I.O.C. In his cross-examination he stated that memorandum of understanding dated 10-09-1991 was effected between the management and this union. He also identified his signature on the said memorandum, marked Ext. M-1. He also stated that he is aware of the provisions of Clause-6 of the agreement. He stated that the workmen of IOBL were getting all the benefits which they are getting from the very beginning. He also agreed that there was a settlement on 19-09-1994, marked Ext. M-2. He also stated that he knows that the facility of half day casual leave was withdrawn by this settlement. However, he denied the suggestion that the union is not entitled to notice under Section 9A of the Industrial Disputes Act, 1947, but he admitted that he was covered by the memorandum dated 10-09-91.

6. On the other hand, management examined MW-1, Sunil Puri who happened to be Deputy Manager, Personnel of the IOBL. He claimed that he is acquainted with the facts and circumstances of the case. He stated that in September, 1991 there was a settlement arrived at between the IOBL Employees Union and the management by which it was settled that whatever facilities were enjoyed by the workers of I.O.C. shall also be available to the employees of the I.O.B.L. and on this action no objection was raised by the IOBL Employees Union. He further stated that there was a settlement in the year 1994 and copy of agreement was circulated by the Deputy General Manager, Human Resources. This copy is marked Ext. M-2. According to him as per this settlement the facility of half day's casual leave was abolished and there was no scope left for grant of half day casual leave to

the employees because of settlement of 1994 in I.O.C. which was applicable to the IOBL also. He has also further stated that a letter Ext. M-4 was also written by the Chief Plant Manager of the IOBL to the IOBL Employees Union communicating that certain facilities were granted to them and another letter, Ext. M-5 was also issued regarding fixation of pay of the workmen. In this view of the matter, he has stated that there was no necessity of service of notice under Section 9A of the Industrial Disputes Act, 1947 for withdrawing the facility of half day casual leave as claimed. In his cross-examination, the witness has stated that as per the terms of the memorandum Ext. M-1 there was stipulation of integration between I.O.C. and IOBL and the process of integration has started as per Clause-6(1) of the memorandum. According to him four of the clauses of paragraph 6.1 have already been implemented and the process is going on for implementation of the rest. However, he admitted that uptil now there is no merger as per Clause-6.1(a), but the other clauses have been implemented and accepted. He stated that Clauses 6.1(b), 6.1(c), 6.1(d) and 6.1(e) are independent of Clause 6.1(a). He denied the suggestion that these clauses are dependent on clause 6.1(a). He has also stated that because by agreement of 1991 local union had abrogated their right to raise issues of all India implication, the question of consulting the local union of IOBL for implementing the agreement of 1994 did not arise. He, however, denied the suggestion that the settlement of 1994 was not a settlement in terms of the requirements of the Industrial Disputes Act. He also denied the suggestion that because there was no integration for making any provision of the settlement applicable, notice under Section 9A of the Act was necessary.

7. So far as the memorandum of understanding, Ext. M-1, is concerned, the terms of understanding are indicated in paragraphs 6 and 7. Paragraph 6 is quoted below :

"6.1 The workmen cadre of IOBL, Calcutta Plant and that of IOC (MD), E.R., will have identical service conditions. The said integration would result in :—

(a) As and when the merger takes place :

- (i) An automatic dissolution of the separate cadres of IOBL, Calcutta workmen
- (ii) Automatic absorption in the workmen cadre in the Parent Company i.e. IOC (MD) without any break in service.
- (iii) Fitment of IOBL workman in the combined seniority list of IOC workmen in ER according to the date on which the workmen of IOBL have gone in a particular grade either by the process of direct recruitment or by promotion.

(b) Existing facilities enjoyed by the IOBL workmen regarding subsidised canteen and staff bus transport, will continue to be enjoyed by them.

(c) The present number of closed holidays in a year will stand revised from 10 to 8 days. However, the two restricted holidays will continued.

- (d) In view of the integration, the promotion policy signed by the Indian Oil Employees' Union, Calcutta, will apply to the integrated workmen. The old and new nomenclature of designations for all categories of workmen hereby integrated will be as per Annexure 'B'.
- (e) The request transfers may be considered sympathetically depending upon the availability of positions at the locations desired in line with the policy prevailing in IOC (MD) from time to time."

It appears that withdrawal of facility of grant of half day casual leave was made on the basis of the provision of Clause (a) of paragraph 6 of the settlement of the year 1994. Ext. M-2. The other documents have been filed and brought on record on behalf of the management only in order to show that several benefits were granted to the workmen of IOBL in accordance with this agreement of 1994.

8. The main contention on behalf of the workmen is that so far as this memorandum of the year 1991, Ext. M-1 is concerned, it is not actually an agreement in terms of the Industrial Disputes Act. It has also been contended that in paragraph 6.1 several clauses have been mentioned and the first clause indicates that there was an automatic dissolution of the separate cadre of IOBL, Calcutta workmen as and when the merger takes place. The other clauses (b), (c), (d) and (e) are regarding the different kinds of facilities to be allowed to the workmen. It has been contended on behalf of the union that from a reading of Clause (a) it appears that the other conditions were to apply only in case of merger of the two establishments, i.e. of IOBL and I.O.C., but admittedly the merger has not taken place. Therefore, there is no question of automatic dissolution of the separate cadres of IOBL, Calcutta and other facilities are independent, but these are stops to the merger of the two establishments. It has been submitted that since merger has not taken place, any agreement arrived between the workmen of I.O.C. and the management of I.O.C. cannot be binding on the workmen of IOBL.

9. Learned Advocate for the management has stressed that since other clauses are independent whether the merger has taken place or not is not going to affect applicability of the other clauses of paragraph 6. May it be, the question remains that has there been dissolution of separate cadres of IOBL employees? Obviously, it was step to the merger as per clause 6.1(a) and admittedly the merger has not taken place. Therefore, even if there was agreement between the employees and the management of Indian Oil Corporation in the year 1994 under which the facility of grant of half day casual leave was withdrawn, it could have been made automatically applicable to the workmen of IOBL. If at all, the management of IOBL intended to make it applicable, it was obligatory on the part to issue notice to the workmen and the unions as per provisions of Section 9A of the Industrial Disputes Act, 1947 and the Rule 34 of the Industrial Disputes (Central) Rules, 1957, which has not been done. Therefore, the manner in which the facility of grant of half day casual leave to the

workmen of the IOBL has been withdrawn is unilateral and arbitrary and the same cannot be held to be valid and proper. However, it has been stated that the workmen of IOBL had also repudiated the provision of the withdrawal of the facility of half day casual leave by writing to the Regional Labour Commissioner.

10. The grievance of the workmen, therefore, appears to be correct and fit to be upheld. It is hereby ordered that the withdrawal of half day casual leave by the management of IOBL in respect of the workmen of the IOBL is not legal, justified and valid and accordingly it is set aside. The workmen are entitled to this facility of grant of half day casual leave, including on Saturdays as were available to them before the withdrawal of this facility.

Dated, Kolkata,

the 4th June, 2001.

P. P. SHARMA, Presiding Officer

नई दिल्ली, 22 जून, 2001

सं.आ. 1758 :—औद्योगिक विवाद समिष्टियन, 1947 (1947 का 11) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार जी. सी. एल. के अवकाश के संबंध निबंधकों और उनके कर्मचारियों के बीच, अनुबंध में विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवादों में, 2, धनबाद के पंचाद को प्रस्तावित काली है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं.प्र.स-24012/77/80-डी-IV(बी)]

प्र. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1758.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-6-2001.

[No. L-24012/77/86-D-IV(B)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 18 of 1987

PARTIES:

Employers in relation to the management of Madidih Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES:

On behalf of the workman--None.

On behalf of the employers--None.

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 11th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)-(D) of I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-240/77/86-D, IV(D), dated the 31st December, 1986.

SCHEDULE

"Whether the demand of the Union for regularisation of Shri Tulsi Saw, Miner as General Mazdoor and payment of wages for the idle period from 18-7-85 to 13-2-86 by the Management of Mudidib Colliery of M/s. Bharat Coking Coal Ltd, is justified? If so, to what relief the workman is entitled?"

2. In this reference both the parties appeared and filed their respective W.S. documents etc. Subsequently both the parties abstained from appearing before this Tribunal and taking any steps in spite of issuance of Regd. Notices to them. The reference is pending since 1987 and it is of no use to drag the same. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1759—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एल-20012/396/92-आई आर (सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1759.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/396/92-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 7 of 1994

PARTIES :

Employers in relation to the management of Topa Colliery of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workmen : Shri Chandrika Prasad, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 7th June, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/396/92-I.R. (Coal-I), dated, the 3rd December, 1993 :—

SCHEDULE

"Whether the stoppage from joining the duty to Smt. Jitni Devi, CMPF No. R-55/3599 is legal and justified? If not, to what relief is Smt. Jitni Devi entitled?"

2. The case of the concerned employee is as follows:—The concerned employee in her W.S. submitted that prior to nationalisation of Topa Colliery she was an employee of the same. After nationalisation she also was absorbed and continued her work and became an employee of M/s. CCL. It has been submitted by the concerned employee that the management without assigning any reason stopped her from working in the said colliery in the year 1978. She submitted that her services were placed in O.B.R. of Second list at screening No. 22. She disclosed that there was another employee named Jitni Devi wife of Bhuboneswar Singh and her name was recorded in Screening No. 8 of O.B.R. and C.M.P.F. No. R/55/3599. Disclosing this fact the concerned employee submitted that her identification in the concerned O.B.R. and identification of another lady workman was quite different. She disclosed that after stopping her work by the management she tried to convince the management personally and also through union that she was the regular employee of the said colliery continuously from 1973 to 1978 and had no relation with another lady worker named Jitni Devi but her all attempts went in vein because of the fact that the management did not give any importance to her

prayer. The concerned employee submitted that thereafter the ALC(C), Hazaribagh asked for comments from the management on an industrial dispute being raised by the union and the management in course of hearing before the ALC(C), Hazaribagh falsely stated that Jitni Devi, whose screening No. was 22 and C.M.P.F. No. R/55/2977 and Form B Sl. No. 820 was the wife of Bhubaneswar Singh. It has been further stated that the facts disclosed by the management before the ALC(C) was far from the truth. The ALC(C), Hazaribagh found that Jitni Devi wife of Bakhali Mian was placed at Screening No. 22 in O.B.R. and second list and her C.M.P.F. No. was R/55/3599 and the name of nominee was Katiban Nisha. It has been alleged that the management retrenched the concerned employee arbitrarily whimsically and without complying the provision of I.D. Act, 1947. Accordingly the concerned employee submitted his prayer for passing necessary Award to reinstate her at Topa Colliery being a work woman of the same declaring that retrenchment order passed by the management was illegal and unjustified.

3. The management on the contrary after filing W.S.-cum-rejoinder submitted that the concerned employee was never an employee of Topa Colliery. The management submitted that one Jitni Devi bearing C.M.P.F. No. R/55/3599 was an employee in the said colliery and the name of her husband was Bhubaneswar Singh. It has been further disclosed that the said Jitni Devi and her husband were the employees of the said colliery. The concerned lady is the wife of Bakhali Mian and her real name is Smt. Hamida Khatoon and she made an attempt to enter into the service of the management with the connivance of her husband in the name of Jitni Devi wife of Bhubaneswar Singh. It has been further disclosed that Bakhali Mian filed nomination Form 'F' prescribed under sub-rule 1 of Rule 5 of the Payment of Gratuity Act, Central Rule, 1972 declaring his wife Smt. Hamida Khatoon as his nominee for 100 per cent payment of gratuity in the vent of his premature death. In the said Form he did not declare the existence of his another wife named Jitni Devi. Bakhali Mian also filed L.T.C. Form A under clauses 9.2.1 and 9.2.2 of NCWA-II for the purpose of claiming L.T.C. by the family member of a workman and therein he declared Smt. Hamida Khatoon as his wife and declared that she was not an employee under the management. Thus as per declaration made by Bakhali Mian Smt. Hamida Khatoon was the only wife and she was not the employee of any Coal Mines of the Company. The management further submitted that after nationalisation of Topa Colliery in the year 1973 a screening committee was formed and the screening committee examined all the records of the private employers and on the basis of enquiries made and after obtaining proper identification submitted a list of workmen who were provided with employment. The wife of Bakhali Mian namely Smt. Hamida Khatoon was not found in any list of the workmen to be a worker of Topa Colliery. However, one name of Jitni (Devi) wife of Bhubaneswar Singh appeared in the screening list and she was employed under the management of Topa Colliery and got her C.M.P.F. No. R/55/3599. The management disclosed that the alleged concerned workman was not the genuine work woman of the said colliery and for which she was

not allowed to join the job of the colliery. It has been submitted that the alleged employee taking false pretext made an attempt to pass through this screening committee to get herself employed under the management. The management submitted that the alleged employee was not a genuine worker. So she was not allowed to join her duties in the year 1973 or at any period subsequently. Further the management submitted that the concerned lady did not raise any dispute directly or through any union for such a long length of 20 years. In such a situation the present reference has suffered from undue delay and laches and the concerned lady not only lost her right even if she could be declared to be a genuine worker. Accordingly, the management has prayed to pass an Award in their favour holding that the concerned lady is not entitled to any relief.

4. The points for consideration in this case are:—

"Whether the stoppage from joining the duty to Smt. Jitni Devi, C.M.P.F. No. R-55/3599 is legal and justified? If not, to what relief is Smt. Jitni Devi entitled?"

Decisions with reasons

5. The concerned employee in order to substantiate her claim has examined two witnesses. On the contrary the management in order to rebut the claim of the concerned employee examined one witness. The concerned employee i.e. WW-2 during her evidence disclosed that from 1973 to 1978 she worked at Topa Colliery as O.B.R. In the year 1978 the management without giving any notice stopped her from attending her work. She disclosed that during her service period she was allotted with C.M.P.F. Number and her C.M.P.F. Number was 3579. She further disclosed that there was another lady worker in the same colliery in the same name i.e. Jitni Devi and her C.M.P.F. No. is 2977. She further during her evidence disclosed that during the period of her service in the said colliery she got her I.D. Card and also received pay slip in the matter of drawing her wages from the management. She further disclosed that she was the second wife of Bakhali Mian and possessed relevant papers relating to their marriage. WW-1 in course of his evidence corroborated the fact disclosed by W-2 i.e. the concerned work woman. From the evidence of WW-1 who happened to be a worker of the concerned colliery disclosed that the concerned work woman also used to work there since 1973. On the contrary MW-1 during his evidence categorically denied the fact about the involvement of the concerned work woman as an employee of Topa Colliery during the period from 1973 to 1978. MW-1 who was a senior clerk of Topa Colliery since 1973 during his evidence submitted Form B Register of the concerned work woman Jitni Devi and also other relevant papers which have been marked Exr. M-1 to M-5 respectively. This witness during his evidence disclosed that the alleged work woman was never an employee of Topa Colliery. This witness further disclosed that Bhubaneswar Singh was the husband of Jitni Devi who used to work at their concern. It is the specific contention of the management that after nationalisation of Topa Colliery in the year 1973 a screening committee was formed to verify all the papers of the colliery which remained under ownership of private management. The screening committee recommended the names of the employees who

were actually the employees under the private ownership of the said colliery and they were actually absorbed but as the name of the concerned work woman was not found in the registers her claim at all could not be considered as the employee of the colliery at the initial outset after obtaining report from the screening committee. Now the moot question which is to be decided here is whether Jitani Devi wife of Bakhali Mian was an employee under the management even after the nationalisation of Topa Colliery. I have considered the Form B Register which during the evidence was marked as Ext. M-1 and from which it transpires at Sl. No. 820 the name of Jitani Devi wife of Bhubaneswar Singh was recorded. No name of Jitani Devi wife of Bakhali Mian is found from this Form B Register. From the service sheet marked Ext. M-2 it is seen that Jitani Devi wife of Bhubaneswar Singh was allotted with C.M.P.F. No. R-55-3599 and said Jitani Devi died on 17-2-93. I have also considered the service papers of Bakhali Mian alleged husband of Jitani Devi. From the statement in Form F made by Bakhali Mian it transpires that Hamida Bibi was made nominee by Bakhali Mian in respect of his claims of dues. Further from the service excerpt of Bakhali Mian it transpires that the name of Jitani Devi was also recorded being his wife along with Hamida Bibi. Now from this document as such it transpires apparently that Bakhali Mian had 2 wives namely Hamida Khatoon and Jitani Devi. It has been specifically asserted by the concerned work woman that her C.M.P.F. No. was R/55/3599. WW-1 further during her evidence disclosed that her C.M.P.F. Number was 3579. Therefore, C.M.P.F. Number which the concerned work woman disclosed in the W.S. does not tally with the C.M.P.F. number which she disclosed in course of her evidence.

6. It is the specific contention of the concerned work woman that she worked upto 1978 and thereafter she was retrenched by the management. On the contrary the management in course of hearing submitted that she was not at all an employee of Topa Colliery and therefore there was no scope on her part to work upto 1978 and also the question of her retrenchment from service did not arise. In the W.S. C.M.P.F. Number which the concerned work woman asserted, was actually allotted to one Jitani Devi wife of Bhubaneswar Singh. Therefore, onus absolutely lies on the concerned work woman to establish that C.M.P.F. No. R/55/3599 was wrongly allotted to Jitani Devi wife of Bhubaneswar Singh. The concerned work woman during her evidence admitted that she was provided with I.D. Card by the management while she was in service and also she used to get pay slip for drawing her wages. Thus two documents, I think in the instant case are to be considered with vital importance to ascertain her claim but with utter surprise it is noticed that the concerned work woman in spite of claiming so did not consider necessary to produce the said I.D. card and a single pay slip to establish her claim with all genuinity. It is true that WW-2 has come forward in support of the concerned work woman but credibility of his evidence has come to question in absence of any cogent document which the concerned work woman had the scope to file at the time of hearing. Excepting her claim that she was an employee under the management the concerned work woman has failed to produce a single scrap

of paper in support of her claim. On the contrary papers the management during hearing produced clearly show that one Jitani Devi wife of Bhubaneswar Singh was an employee of Topa colliery who died on 17-2-1993. Learned Advocate for the management submitted that even if the concerned work woman is considered as an employee under the management after her retrenchment she took more than 15 years to make reference over industrial dispute in the matter of employment, without explaining any reason for such long delay. Accordingly at such belated stage the claim of the concerned work woman cannot at all be entertained. In support of the claim learned Advocate for the management referred to a decision reported in 200 Lab. I.C. page 703 and 1993 Lab. I.C. 1672. In para-6 of the decision reported in 2000 Lab. I.C. 703 Their Lordships observed that "Law does not prescribe any time limit for the appropriate Government to exercise its power under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after lapse of about seven years of order dismissing the respondent from service. A dispute which is stale could not be the subject-matter of Reference under Section 10 of the Act". On the contrary in the decision reported in Lab I.C. 672 Their Lordships of the Apex Court observed that "Delay disentitles the aggrieved person from any remedy and right". Considering the decisions referred to above it is clear that untill and unless any proper explanation comes for causing delay in the reference the concerned work woman is not entitled to get any relief. Here in the instant case it transpires that the concerned work woman raised Industrial dispute by making reference after a lapse of atleast 12 years from her alleged retrenchment. No sufficient cause was assigned for such long long delay in raising such dispute. Therefore, considering all aspects it is clear that the concerned work woman not only has failed to establish her claim that she was an employee of the management but also has failed to assign any satisfactory explanation for causing long delay of raising industrial dispute by making reference.

7. After considering all facts and circumstances of the case carefully I hold that the concerned work woman has failed to establish her claim for reinstatement of her service at all and for which she is not entitled to get any relief. In the result, the following Award is rendered :—

"The stoppage from joining the duty to Smt. Jitani Devi, C.M.P.F. No R-55/3599 is legal and justified. Consequently, she is not entitled to any relief".

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.प्र. 1760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत् में, केन्द्रीय सरकार बी.सी.सी.एन. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निदिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/213/90-ग्राई आर (सी-1)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1760.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-6-2001.

[No. I-20012/213/90-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 46 of 1990

PARTIES :

Employers in relation to the management of
Mahuda Washery of M/s. BCCL and
their workmen,

APPEARANCES :

On behalf of the workmen : Shri Surendra Prasad,
Area Secretary,
R. C. M.S. Union.

On behalf of the employers : Shri G. Prasad,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 7th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/213/90-IR-(Coal-I), dated, the 11th December, 1990.

SCHEDULE

"Whether the management of Mahuda Washery in Mahuda Area II of M/s. Bharat Coking Coal Ltd., P.O. Mahuda Dist. Dhanbad (Bihar) is justified in denying promotion to Shri Manoranjan Parashad Mahato

Mech. Fitter cum-Operator in the post of Mech. Fitter Grade-I in Cat. VI? If not, to what relief the said workman is entitled to?"

2. The concerned workman's case in brief is as follows :—

The concerned workman in his W.S. disclosed that he was working as Mechanical Fitter-cum-Operator since 1983 at Mahuda Washery since 1987. As per NCWA-II and the settlement dt. 6-7-88 he was placed in Cat. V with effect from 1-1-83. As per norms and rules workmen on completion of 3 years in Cat. V are entitled to get the post of Cat. VI and accordingly the concerned workman submitted that he was entitled to get the benefit of promotion in Cat. VI with effect from 1-1-86 and accordingly he also was entitled to get the post of Asstt. Foreman in Technical and Supervisory Grade-C on and from 1-1-90. The concerned workman alleged that inspite of his eligibility to get his promotion in Cat. VI as well as to the post of Asstt. Foreman the concerned management did not consider necessary to promote him to the said posts and as a result he was superseded by atleast three workmen who were junior to him. The concerned workman submitted that the matter in issue was discussed with the management but they did not give any importance to his prayer in the matter of his promotion. Accordingly the concerned workman raised an industrial dispute and referred the matter to the ALC(C), Dhanbad for conciliation but as the conciliation failed the matter was referred to the Ministry resulting reference to this Tribunal. Accordingly the concerned workman has prayed for his promotion to Cat. VI from 1-1-86 and his promotion as Asstt. Foreman from 1-1-90. The concerned workman also prayed for financial benefit in relation to his promotion.

3. On the contrary the management after filing W.S.-cum-rejoinder has denied all the claims and allegations which the concerned workman asserted in his W.S. It has been disclosed by the management that M/s. BCCL has prepared cadre scheme for the promotion for all its workmen employed in different trade/designation department, section etc. in consultation with all the Trade Union operating in the coal Mines which is binding on workmen. It has been submitted that promotion upto Technical and Supervisory Grade-A is made at the area level and thereafter at the higher post to the company level. It is submitted that no common pool/list of employees employed upto Technical and Supervisory Grade-A exists and therefore promotion in particular area of workmen depend upon chances and circumstances prevailing there. While promoting a workman in the area of the concerned the cases of other workmen employed in other area are not taken up into consideration as it is not practicable and feasible. Moreover, the management submitted that promotion of a workman depends on training, experience, educational qualification aptitude etc., recommendations of the concerned D.P.C. and on the existence of vacancies. Accordingly, the management submitted that the concerned workman's prayer is not based on cogent footing and for which he is not entitled to any relief as prayed for.

4. The points for consideration in this reference are :—

“Whether the management of Mahuda Washery in Mahuda Area II of M/s. Bharat Coking Coal Ltd., P.O. Mahuda, Dist. Dhanbad (Bihar) is justified in denying promotion to Shri Manoranjan Parashad Mahato Mech. Fitter-cum-Operator in the post of Mech. Fitter Grade-I in Cat. VI? If not to what relief the said workman is entitled to?”

DECISIONS AND REASONS

5. The concerned workman in order to substantiate his claim examined himself as WW-1 while the management has examined one witness i.e. MW-1. From the evidence of the concerned workman it transpires that he was appointed at BCCL on 8-12-78 and promoted to Cat. V with effect from 1-1-83. The concerned workman submitted that after completion of 3 years service in Cat. V he made representation before the management for his promotion to Cat. VI but the management did not consider his prayer and for which he raised this industrial dispute. The concerned workman submitted that previously he was an employee of Barora area. This witness disclosed that the management ignoring his claim consider the case of his colleagues and promoted them to the post of Supervisory and Technical Grade-C superseding him though they were his juniors. The concerned workman during his evidence admitted that promotions are made as per cadre scheme. In spite of admitting this fact he alleged that he was never called for interview at any time by the D.P.C. From his evidence it further transpires that originally he was posted at Barora wherefrom he was transferred to Mahuda area on 14-4-89. From his evidence it transpires clearly that Barora and Mohuda areas falls under different area. Now the point for consideration is whether the management neglected and refused to give any promotion to the concerned workman to Cat. VI in spite of his fulfilment of his requisite qualification. It is seen that before raising that industrial dispute the concerned workman also raised his dispute about getting his promotion to Cat. V before the appropriate authority. It is seen that on 6-7-88 there was a settlement and as per settlement the concerned workman was allowed wages and other benefits of Cat. V as per NCWA-III with retrospective effect from 1-1-83 and he was placed against sanctioned post in the Coal Washery. If this settlement is taken into consideration it will expose clearly that the concerned workman was only allowed to enjoy his wages and other benefits of Cat. V but the settlement is silent if he was promoted to that post. As per NCWA-III Mechanical Fitter Cat. IV is eligible to get his promotion to Mechanical Fitter Cat. V subject to fulfilment of requisite qualification given in Annexure-VII-13. Though the settlement is silent if the concerned workman was promoted to Cat. V or not, if all aspects relating to the settlement in questions are taken into consideration it should be interpreted that the concerned workman was given promotion to Cat. V as he fulfilled requisite qualification as per NCWA-III. To get promotion of Cat. VI not only requisite qualification and experiences are required but also recommendation of the

D.P.C. is also required. Similarly in case of promotion to Asstt. Foreman Mechanical Technical and Supervisory Grade-C minimum 4 years experience is required if the workman concerned is in Category of Fitter Cat. VI. It is the specific contention of the concerned workman that in spite of fulfilment of his requisite qualification he was deprived of getting promotion to Cat. VI and Asstt. Foreman. He disclosed that his promotion to Cat. VI was due on 1-1-86 and his promotion to Asstt. Foreman was due on 1-1-90. Learned Advocate for the management submitted that requisite qualifications are not the only criteria to claim for promotion unless and until his name is recommended by the concerned D.P.C. and there is existence of vacancies. No evidence is forthcoming before the Court on the part of the concerned workman that at the relevant time there were clear vacancies to the post of Mechanical Fitter Cat. VI and also to the post of Asstt. Foreman Mechanical. There is also no evidence to the effect that D.P.C. recommended his name to the management for his promotion. Recommendation of the D.P.C. is the foremost criteria to be fulfilled apart from the requisite qualification in connection with getting promotion of a person under the management. Considering evidence on record and submission of both sides it is seen that his dispute for his promotion to Cat. V from Cat. IV was only settled on 6-7-88. Therefore, no claim accrues about getting promotion to Cat. VI with effect from 1-1-86 or his promotion to Asstt. Foreman with effect from 1-1-90. It is seen that though the concerned workman get his promotion to Cat. V with retrospective effect relating to his wages and other benefits there is no scope to say that he by virtue of that settlement automatically fulfilled criteria for getting his promotion to Cat. VI as per NCWA-III. According to NCWA-III the concerned workman is eligible to get promotion to Cat. VI only after having his three years experience as Mechanical Fitter in Cat. V. Enjoyment of wages and other benefits in Cat. V by virtue of settlement did not entitle him to get his promotion to Cat. VI without having his experience to work in Cat. V for atleast three years. If this aspect is taken into consideration there is sufficient scope to say that the concerned workman's claim for his promotion to Cat. VI did not accrue on 1-1-86. Simultaneously his promotion to Asstt. Foreman also cannot be taken into consideration at all. It is the specific allegation of the concerned workman that he was superseded by his junior without any reason. The concerned workman did not disclose in his evidence about the experience possessed by those juniors to the post of Cat. V before getting their promotion. Learned Advocate for the management submitted that their promotions were considered on the basis of recommendation of the D.P.C. Unless and until any such recommendation is made and any clear vacancy exists, there is no scope to give any promotion to any workman. Moreover, learned Advocate for the management submitted that just fulfilment of criteria cannot authorise a workman to claim his promotion. Learned Advocate further submitted that it is the criteria to be fulfilled as it is mandatory but for that reason as a matter of right the concerned workman cannot claim his promotion unless and until his case is recommended by the D.P.C. Thus, within

four corners of the evidence of the concerned workman I have failed to find out an iota of material relying on which there is scope to say that the name of the concerned workman though duly recommended by the DPC was ignored by the management. Accordingly in this particular case I do not find any fault on the part of the management to consider this case relating to his promotion to Cat. VI or Asstt. Foreman Supervisory and Technical Grade-C.

6. I have carefully considered all materials on record and I am of the view that the concerned workman has failed to substantiate his claim to get his promotion which he has prayed for.

In the result, the following Award is rendered :—

"The management of Mahuda Washery in Mahuda Area II of M/s. Bharat Coking Coal Ltd., P.O. Mahuda, District Dhanbad (Bihar) is justified in denying promotion to Shri Manoranjan Parashad Mahato Mech. Fitter-cum-Operator in the post of Mech. Fitter Grade-I in Cat. VI. Consequently, the concerned workman is not entitled to any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/198/91-आई आर(सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1761.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/198/91-IR(C-1)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 9 OF 1992

PARTIES :

Employers in relation to the management of Bharat Coking Coal Ltd. and their workman.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Jharkhand

INDUSTRY : Coal.

Dated, Dhanbad, the 7th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(198)/91-IR. (Coal-I), dated, the Nil.

SCHEDULE

"Whether the action of the management of M/s. Bharat Coking Coal Ltd. in refusing employment to Shri Binod Murumu husband of Smt. Lilabati Manihi, Dahlbari Colliery under voluntary retirement scheme is justified? If not, to what relief the workman is entitled?"

2. It is seen from the records that the management in order to substantiate its action adduced evidence and in course of evidence some documents on behalf of the management were marked as Exhibits. After closing the evidence on the part of the management dates were fixed for evidence on the part of the concerned workman. Records shows clearly that inspite of giving several opportunities the concerned workman neither appeared before the Tribunal nor adduced any evidence. As such the attitude and conduct of the concerned workman if are taken into consideration it will expose that the concerned workman is not interested to proceed with the reference. Under such circumstances, a 'No dispute' Award is rendered and the Reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/149/91-आई आर(सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/149/91-IR(C-1)]

N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 158 OF 1991

PARTIES :

Employers in relation to the management of Bhowra (N) U/G Mines under Bhowra Area No. XI of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

STATE : Jharkhand

INDUSTRY : Coal.

Dated, Dhanbad, the 7th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Order No. L-20012(149)91-L.R.(Coal-I), dated, the 26th November, 1991.

SCHEDULE

"Whether the action of the management of Bhowra (N) U/G Mines under Bhowra Area No. XI of M/s. BCCL in terminating the services of Shri Parmashar, DC Loder vide their letter No. GM/PER/Bhowra-XI/81/589-41 dated 28/29-1-1981 is justified? If not, to what relief the workman is entitled?"

2. In this reference both the parties appeared and filed their respective W.S. documents etc. Subsequently at the stage of oral evidence both the parties abstained from appearing before this Tribunal and taking any steps. The reference is pending since 1991 and it is of no use to drag the same year after year. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of the 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.प्रा. 1763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न कोलफील्ड्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/133/87-डी-III(ए)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Eastern Coalfields Ltd. and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/133/87-D.III(A)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

REFERENCE NO. 298 OF 1987

PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd. and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

STATE : Jharkhand

INDUSTRY : Coal.

Dated, Dhanbad, the 7th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(133)87-D.III(A), dated, the November, 1987.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union Dhanbad that Smt. Tarula Loharia and 17 others Piece rated workmen of Chapapur II Colliery of M/s. Eastern Coalfields Ltd. Dhanbad be regularised as Time rated workmen is justified? If yes, to what relief are these workmen entitled?"

2. In this reference both the parties appeared and filed their respective W.S. Subsequently at the stage of filing documents both the parties abstained from appearing before this Tribunal and taking any steps. The reference is pending since 1987 and it is of no use to drag the same any more. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.प्रा. 1764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/72/91-आई आर(सी-I)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 22nd June, 2001

S.O. 1764.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/72/91-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

REFERENCE NO. 131 OF 1991

PARTIES :

Employers in relation to the management of M/s. Tata Iron and Steel Co. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Jharkhand INDUSTRY : Coal.
Dated, Dhanbad, the 12th June, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/72/91-I.R. (Coal-I), dated, the Nil.

SCHEDULE

"Whether the action of the management in awarding punishment of 10 days suspension w.e.f. 27-8-1990 vide their letter No. JMB/473/008932 dated 21-8-90 to Shri J. J. Bhattacharjee, Special Grade Clerk, P. No. 206974 at Central Accounts Office of M/s. TISCO Ltd., P.O. Jamadoba, District Dhanbad is justified? If not, to what relief the workman is entitled?"

2. The case of the workman is as follows:—

It has been submitted by the concerned workman that he was Special Grade Clerk in Central Accounts Office of TISCO Ltd. It has been submitted by the concerned workman that over keeping possession of a quarter by Miss Roma Bhattacharjee who happened to be his sister the management created unnecessary pressure on him. The concerned workman submitted that in reply he pointed out clearly that the quarter in question was not in his possession and the same was in her occupation and she was the real allottee of the quarter. But being dissatisfied with the reply the management issued a chargesheet on 26-2-1990 to him under clause 19.1 of the Certified S.O. of the management for not vacating the quarter in question. The concerned workman submitted his reply but the management being not satisfied with the reply of the concerned workman started a departmental enquiry against him. The Enquiry Officer in course of enquiry found him guilty to the charges framed against him and subsequently the management imposed a penalty of 10 days suspension with effect from 27-8-90. As a result, the concerned workman made a representation to the management against the said penalty but the management did not consider his prayer and for which this industrial dispute raised. Accordingly the concerned workman prayed for passing an Award holding that the action of the management in imposing penalty of 10 days suspension on him with effect from 27-8-90 was illegal and unjustified and accordingly they are liable to pay full wages to him for the said period.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all the claims and allegation which the concerned employee asserted in his W.S. Accordingly the management has prayed for passing an Award holding that the action of the management is legal, bonafide and justified and the concerned workman is not entitled to any relief which he has prayed.

4. The points to be considered in this reference is as follows :—

"Whether the action of the management in Awarding punishment of 10 days suspension w.e.f. 27-8-1990 vide their letter No. JMB/473/008932 dated 21-8-90 to Shri J. J. Bhattacharjee, Special Grade Clerk, P. No. 206974 at Central Accounts Office of M/s. TISCO Ltd. is justified? If not to what relief the workman is entitled?"

5. DECISIONS WITH REASONS

Before taking up final hearing of the instant reference hearing on preliminary point as to the fairness propriety of the domestic enquiry held against the concerned workman

was taken up first by this Tribunal and the Tribunal by order dated 17-10-1993 held that the domestic enquiry held against the concerned workman was fair proper and in accordance with the principles of natural justice. Accordingly final hearing was taken up over the reference made. In course of hearing learned Advocate for the concerned workman was present and submitted that he had no instruction from the concerned workman to proceed with the instant hearing of the reference. Under the circumstances as the concerned workman is not present in spite of giving several opportunities I heard learned Advocate for the management. Learned Advocate for the management during hearing submitted that the management did not commit any illegality and impropriety suspending the concerned workman for 10 days in view of the domestic enquiry report submitted by the E.O. I have considered the evidence and all materials on record and I find no dispute to hold that suspension order passed against the concerned workman was legal and proper, and it did not violate natural justice. As such at this stage I do not find any sufficient ground to say that the management has committed any illegality in passing the suspension order against the concerned workman. In the result, the concerned workman is not entitled to get any relief which he has prayed for. An Award is passed accordingly.

B. BISWAS, Presiding Officer

नई दिल्ली, 22 जून, 2001

का.आ. 1765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में, 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2001 को प्राप्त हुआ था।

[सं. एन-20012/68/91-आई आर (को-I)]

एन.पी. केशवन, उपाध्यक्ष

New Delhi, the 22nd June, 2001

S.O. 1765:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 21-6-2001.

[No. L-20012/68/91-IR(C-I)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 144 of 1991

PARTIES :

Employers in relation to the management of BCCL and their workman.

APPEARANCES :

On behalf of the workmen—Shri S. N. Goswami, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 12th June, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-10012/68/91-R.R.(Coal-I), dated, the 23rd October, 1991.

SCHEDULE

"Whether the management of Barora Area No. 1 of M/s. BCCL is justified in denying employment to the dependent of Smt. Kalsi Kamin who has applied for seeking voluntary retirement under V.R.S. ? If not, to what relief the workman is entitled ?"

2. The case of the concerned workwoman Smt. Kalsi Kamin in brief is as follows :—

The concerned employee in her W.S. submitted that she entered into the service at Puntarand Colliery on 1-10-71 Stack Loader. The concerned employee submitted that in course of her service the management issued a circular of V.R.S. in respect of their employees that an option to get the benefit of that scheme who have not exceeded the age of 56 years. Under the said scheme option was given to provide one dependent in employment if any employee takes the opportunity of that scheme. The concerned employee submitted that in response to that scheme she submitted her application on 5-4-85 with a prayer for accepting her resignation and also simultaneously with a further prayer to get her son employed under the management. The concerned employee further submitted that the management after considering all her papers referred her case to the headquarters for consideration and acceptance but the management did not accept her prayer. The management distributed service excerpts amongst its employees in the year 1987 for furnishing service particulars if any. On seeing that service excerpt she raised objection relating to her date of birth recorded in the same and accordingly she submitted an application for rectification of her age. On receipt of her prayer the management directed the concerned employee to appear before the Medical Board for determination of her age in question. It has been admitted by the concerned employee that after medical Board the Apex Medical Board held her date of birth to the effect that she was 57 years old as on 18-2-88. Disclosing this fact the concerned employee submitted that on the date of her application for V.R.S. she was 54 years old and for which there was no reason on the part of the management to accept her resignation and to provide her son in employment under the management according to that scheme. It has been alleged by the concerned employee that the management was unjustified in rejecting her prayer. Accordingly she has prayed for passing necessary direction to the management to give employment to her son in accordance with the terms and conditions of the V.R.S.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all the claims and allegation which the concerned employee asserted in her W.S. The management in the W.S. did not raise any dispute about the circular in question but the management submitted that immediately after issuing that circular strong disputes were raised from different corners in the matter of withdrawing the same and as a result of which the management considering all aspects did not implement the so-called V.R.S. for female workers and permitted all female workers to continue in employment till the age of 60 years. The management further submitted that the concerned employee also did not raise objection when her application under V.R.S. was considered and rejected. It has been submitted that even after rejection of her prayer the concerned employee carried on her duty properly and worked under the management till the date of her superannuation. It has been further submitted by the management that the acceptance of resignation of an employee is purely at the discretion of the management and for which one cannot demand as a matter of right for acceptance his/her resignation as soon as he/she applies and resigns from the job. The management further submitted that resignation tendered by the concerned employee was not accepted considering her utility of service in consistencies available on that particular moment. Apart from this fact the management also disclosed that the age of her son given and the age of the concerned employee came into question relating to its genuinity. In the application the age of the son of the

concerned employee was given as 3 years whereas her age was shown as 35 years. Disclosing this fact the management submitted that it became absurd for a girl of 12 years to become mother and for which when clarification was sought for the concerned employee could not give any satisfactory explanation and that was also a reason for rejection of her application. It has been further submitted by the management that even after rejection of her application under V.R.S. the concerned employee remained in service very much and retired on the date of her superannuation. Therefore, the claim made by the concerned employee for employment of her son does not stand on cogent footing. Accordingly the management has prayed for an Award in their favour holding that the concerned employee is not entitled to any relief.

4. The points for consideration in this reference are :—

"Whether the management of Barora Area No. 1 of M/s. B.C.C.L. is justified in denying employment to the dependent of Smt. Kalsi Kamin who has applied for seeking voluntary retirement under V.R.S. ? If not, to what relief the workman is entitled ?"

5. FINDINGS AND REASONS

Considering the records it transpires that the management in order to substantiate the action taken against the concerned employee examined one witness. In course of evidence the management produced some documents which were marked as Ext. M-1 to M-7. The concerned employee though did not adduce any evidence relied on some documents which were marked as Ext. W-1 to W-18. Considering submission of both sides there is no dispute to hold that the concerned employee was an employee under the management since 1971. There is also no dispute to hold that in the year 1985 a circular was issued in the matter of V.R.S. for the female employees in BCCL. I have considered the said circular and it transpires that the said circular remained valid from 21-3-85 to 20-6-85. By that circular the management issued V.R.S. for the female employees in BCCL in order to rationalise/improve the man power structure against the actual requirement in BCCL and for generating a productive labour force against such female employees who are not being gainfully employed. Learned Advocate for the concerned employee submitted in course of hearing that the concerned employee in response to that V.R.S. submitted an application for getting its benefit with a view to arrange for employment of her son. The pre-condition of the said circular was that the concerned employee at the time of the operation of that scheme shall be below the age of 56 years. It is the contention of the concerned employee that on the date of filing the said application she was below 56 years old and in spite of knowing this fact the management without any reason rejected her prayer. Learned Advocate in course of hearing submitted that in the year 1987 service excerpts were handed over to the concerned employee with a view to furnish service particulars if any. It has been further submitted that the concerned employee raised her objection relating to her age recorded in the service excerpt and accordingly submitted application for rectification of her age. Thereafter the concerned employee was referred to the Apex Medical Board for her medical test. Relying on the report of the Medical Board learned Advocate for the concerned employee submitted that the concerned employee was 57 years old on 18-2-88. The medical report during evidence of the management was marked as Ext. M-7. Therefore, according to this medical report it is clear that on the date when the application for V.R.S. was submitted by the concerned employee she was 54 years old. Therefore, she was very much eligible to opt the said scheme. Admitting this fact learned Advocate for the management submitted that the said V.R.S. was in operation only from 21-3-85 to 20-6-85. Knowing fully well of that circular the concerned employee submitted her application on 29-6-85 i.e. after expiry of the time limited. The application submitted by the concerned employee during evidence of the management was marked as Ext. M-2. As such it is clear that beyond this statutory time limit the concerned employee submitted her application and in natural course it was not possible on the part of the management to consider her application to avail the opportunity of V.R.S. Apart from this fact learned Advocate for the management submitted further that immediately after the circular was issued a serious dispute raised from different corners for non-implementation of the said circular and as a result of which the management was compelled not to act upon the said circular.

Learned Advocate for the management during argument also relied on a decision reported in AIR 1987 Supreme Court P-1015. In the said decision Their Lordships of the Apex Court held that sons and wards of Delhi Police cannot claim preference in the matter of recruitment. Referring that decision the Learned Advocate for the management submitted that the circular issued by the management in respect of the V.R.S. in view of the decision, referred to above became ultra vires and could not be operative. Apart from this fact it has been further submitted by the learned Advocate for the management that after rejecting the prayer of the concerned employee she did not agitate anything over this issue. On the contrary she went on service and was superannuated after attaining her age of 60 years and received full benefit which she was entitled to get. Accordingly when the concerned employee was superannuated at the age of 60 years there was no scope on the part of the management to consider the prayer of the concerned employee for the employment of her son.

6. After careful consideration of all the facts and circumstances and also after hearing learned Advocates of both sides it is clear that the concerned employee submitted her application to avail of the opportunity of V.R.S. beyond the statutory time limit. As such at the very outset there was no scope on the part of the management to consider any such prayer. Accordingly in view of the facts and circumstances discussed above I hold that the concerned employee is not entitled to get any benefit which she has prayed for. In the result, the following Award is rendered :—

"The management of Barora Area No. I of M/s. B.C.C.L. is justified in denying employment to the dependant of Smt. Kalsi Kamin who has applied for seeking voluntary retirement under V.R.S. Consequently, the concerned employee is not entitled to any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 26 जून, 2001

का.अ. 1766.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्जन में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में, 2, धनबाद के पंचाट को प्रकाशन करती है, जो केन्द्रीय सरकार को 25-06-2001 को प्राप्त हुआ था।

[सं. एन-20012/63/95-आई आर (सी-1)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 26th June, 2001

S.O. 1766.--In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. C. C. L. and their workman, which was received by the Central Government on 25-06-01

[No. L-20012/63/95-IR (C-1)]
N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.
PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I. D. Act, 1947.

REFERENCE NO. 1 OF 1996

PARTIES : Employers in relation to the management of B.C.C.L. and their workman.

APPEARANCES :

On behalf of the workman None.

On behalf of the employers Shri H. Nath,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th June, 2001.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L 20012/63/95-I. R. (Coal-I), dated, the 28th December, 1995.

SCHEDULE

"Whether the demand of the Union for dependent employment to Smt. Murti Devi W/o Shri Ram Saran yadav on the basis of Shri Ram Saran Yadav being missing since 22-9-87 is justified? If so what relief is Smt. Murti Devi entitled to?"

2. The case of the concerned workman in brief is as follows :—

It has been submitted the concerned workman that Ram Saran Yadav was a permanent employee of West Mudidih Colliery and worked there as Haulage Operator. On 11-9-87 the said Ram Saran Yadav reported for duty to work there, but thereafter he was found missing. Accordingly wife of Ram Saran Yadav on 14-9-87 reported the incident of missing of her husband to the management since 11-9-87 after performing his job in the Colliery. Smt. Murti Devi wife of Ram Saran Yadav also informed the Police and other authorities regarding missing of her husband. She also published news in the newspaper namely 'Awaz' regarding missing of her husband. It has been submitted that inspite of giving specific information about missing of Ram Saran Yadav the management did not do anything for his searching. Finding no other way Smt. Murti Devi submitted an application before the management for providing her with job for her subsistence as per provision of NCWA. But that did not yield any result. By this time the management issued charge-sheet and thereafter on the basis of domestic enquiry

dismissed Ram Saran Yadav from his service arbitrarily and illegally and accordingly the union raised an industrial dispute with prayer for employment of Smt. Murti Devi wife of Ram Saran Yadav for his missing, since 29-8-87 with immediate effect.

3. The management on the contrary after filing W. S. cum-rejoinder denied all the claims and allegations which the concerned workman/union asserted in the W. S. It has been submitted by the management that Ram Saran Yadav was an employee of their concern and his date of appointment as per form B register was 23-1-73. It has been further submitted by the management that the concerned workman had been absenting from duty on and from 22-9-87 without permission and information to the management and for which a charge sheet was issued and sent to the concerned workman by Regd. Post with A/D, but it returned back undelivered. Thereafter a domestic enquiry was held under Shri M. C. Yadav and Mr. Yadav after making enquiry found Ram Saran Yadav guilty and on the basis of the enquiry report he was dismissed from service vide order of the management dt. 23-8-89. Disclosing this fact the management submitted that as the concerned workman was dismissed from service there was no question at all to provide employment to his dependent as per the provisions of NCWA-IV. It has been further alleged by the management that although the concerned workman was dismissed from service in 1989 the present dispute raised by the union on 26-7-94 i. e. after a delay of five years without any justifiable grounds for which the instant reference is not maintainable in the eye of law. Accordingly the management has prayed for passing an Award to the effect that the demand of the union for dependent's employment to Smt. Murti Devi wife of Ram Saran Yadav for his missing since 22-9-87 is not justified and she is not entitled to get any relief.

4. The points for consideration in this reference are :—

“Whether the demand of the Union for dependent employment to Smt. Murti Devi wife of Shri Ram Saran Yadav on the basis of Shri Ram Saran Yadav being missing since 22-9-87 is justified. If so, to what relief is Smt. Murti Devi entitled ? ”

Decisions with reasons

5. It is seen that the concerned union in order to substantiate the claim has examined three witnesses in all. On the contrary the management has examined two witnesses. There is no dispute to hold that Ram Saran was an employee of Mudiali Colliery under this management. According to the Charge-sheet and domestic enquiry report there is no dispute to hold that Ram Saran Yadav is missing since 12-9-87. It is the contention of W-1 that on 11-9-87 her

husband went on duty and reported for duty at the management's office. But thereafter he did not return back and accordingly since 12-9-87 her husband is missing. This witness disclosed that to this effect not only she informed the management but also informed the Police about missing of her husband and ultimately she published the news relating to the missing of her husband in the Newspaper, “Awaz” But it did not yield any result. WW-1 further submitted that the management after receiving information assured WW-1 for through search with a view to trace out for her husband but it has been alleged that though the management assured but did not take active part to know about the whereabouts of missing of her husband. Accordingly on compassionate ground she submitted an application for her employment but the management ignored that application. WW-2 is an employee under the management. This witness during his evidence disclose that Ram Saran worked in the colliery under the management till 11-3-87 but thereafter he was found missing. 3/4 days after his missing his wife Murti Devi reported this incident to the Manager of the Colliery. She also made advertisement about the missing of her husband in the newspaper “Awaz.” But as no fruitful result yielded she submitted an application for her employment but the management did not pay any notice to her appeal. WW-3 is the father-in-law of Ram Saran Yadav. This witness during his evident corroborated the fact disclosed by WW-1 and WW-2. Considering the evidence of these witnesses there is no dispute about missing of Ram Saran Yadav. The management on the contrary submitted that since 12-9-87 Ram Saran Yadav started absenting and in this way he absented from duty for more than 10 days and accordingly violated the provision of the standing order of the colliery and for which finding no other way the management issued chargesheet against Ram Saran Yadav. It has been further submitted by the Learned Advocate for the management that there is no scope to consider such prayer of Murti Devi her employment on compassionate ground at all because of the fact that there is no provision under the NCWAs to provide employment to any member of the family of the concerned workman who was dismissed from his service. I have considered the record and it transpires that for absence of Ram Saran Yadav a chargesheet was issued and the same was sent by Regd. Post with A/D but it could not be delivered for his absence. Thereafter a domestic enquiry was also held by the Enquiry Officer Shri M. C. Yadav and in course of enquiry notice was also issued to the concerned workman but did not yield any result and for which the enquiry was held exparte and the E. O. submitted his report. On the basis of the report the management dismissed the concerned workman from his service. Now considering all aspects that there is no dispute at all to hold that R. S. Yadav is missing since 12-9-87. I have

considered the domestic enquiry papers and I hold that the domestic enquiry papers bear no such discrepancy and anomaly. It has been submitted by the management that when an employee is dismissed from service there is no scope to provide any job to the member of his family. The moot point for consideration here is whether Murti Devi is entitled to get any employment. W-1 during her evidence has failed to produce a single scrap of paper to show that immediately after missing of R. S. Yadav she submitted any petition to the concerned authority to redress her grievance. No cogent paper is also forthcoming before the Tribunal that she also lodged G. D. before the local Police. On the contrary it is seen that the union or wife of the victim did not consider necessary to publish the said missing news in the leading newspaper with its reason notice period from the date of missing considering the record it is clear that prior to publication of the said news in the newspaper chargesheet was issued against the concerned workman Ram Saran Yadav i. e. on 30-7-89. Thereafter the concerned workman was dismissed from service on the basis of the said exparte enquiry. Disclosing this fact learned Advocate for the management submitted that there was no provision under the NCWA to provide employment of a dismissed employee. Learned Advocate further submitted that there was inordinate delay in submitting application by Murti Devi for her employment before the management which cannot be accepted. It has been agitated by the union representative in the written argument that on compassionate ground previously the management provided employment to the dependents of the missing employee. But in support of this claim during cross-examination of MW-1 no question was put to her. No cogent paper is also forthcoming before this Tribunal that on similar ground compassionate appointment was given by the management. It is the contention of the Learned Advocate for the management that employment on compassionate ground can be provided in case the said employee becomes invalid or dies during harness. This is completely a separate case on the ground that not only the concerned employee remained absent from duty for a long period but also no information was received to the effect on the part of the concerned workman. It is not the case of the concerned workman union that Ram Saran Yadav was murdered while he was on duty. After careful consideration of all facts and circumstances I am of the same view with the Learned Advocate for the management that the prayer for consideration of employment of the legal heirs of the missing employee cannot be considered after a person is dismissed from service. Not a single scrap of paper is forthcoming before the Tribunal that Murti Devi took all her initiative for tracing out her husband. Accordingly at this stage I do not find any sufficient ground to give any relief to the concerned workman/union. In the result the following Award is rendered :

"The Demand of the Union for dependent employment to Smt. Murti Devi w/o Shri Ram Saran Yadav on the basis of Shri Ram Saran Yadav being missing since 22-9-87 is not justified. Consequently Smt. Murti Devi is not entitled to any relief."

P. BISWAS, Presiding Officer

नई दिल्ली, 26 जून, 2001

का.आ. 1767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन एयरलाइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-06-2001 को प्राप्त हुआ था।

[सं. एल-20030/10/95-आई आर (सी-1)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 26th June, 2001

S.O.1767.—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workman, which was received by the Central Government on 25-6-2001.

[No. L-20030/10/95-IR(C-1)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 'SHRAM SADAN', III MAIN, III CROSS,
II PHASE, TUMKUR ROAD, YESHWANTHPUR,
BANGALORE

Dated - 15th June, 2001

PRESENT

HON'BLE SHRI V.N. KULKARNI, B.Com.LLB
PRESIDING OFFICER
CGIT-CUM- LABOUR COURT,
BANGALORE

C.R. No. 3/98

I PARTY

Shri K. Ravindranath,
C/o Guruppa Chetty,
No. 236, New Someswara
Temple B.T.M. Layout,
Old Madivala,
Bangalore-68
(Advocate -
Shri Vishwanath Bhat D.R.)

II PARTY

The Station Manager,
Indian Airlines,
Cauvery Bhavan,
K.G. Road,
Bangalore-9
(Advocate-
Shri K. Kasturi)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-20030/010/95(1R)(C-I) dated 29-12-97 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Indian Airlines in terminating the services of Shri K. Ravindranath is legal and justified? If not, to what relief the said workman is entitled?"

2. The first party workman was working with the second party as Porter. There was misconduct and charge sheet was issued. Enquiry was held and on the basis of the enquiry report the second party management terminated the services of the first party workman so industrial dispute is raised.

3. First party appeared and filed Claim Statement.

4. The case of the first party in brief is as follows:

5. The first party workman joined the services of the Second Party management with effect from 4-8-1977 as Porter. He worked at HAL Airport, Bangalore. He was confirmed on 19-2-1978 and he was transferred to Cargo Department in 1983. He was illegally refused employment w.e.f. 6-8-1986. He was not keeping well and sick from 15-7-86. He approached the Medical Officer, Indian Airlines, Bangalore for treatment and his case was refused and referred him to the St. Martha Hospital for treatment. He was taking treatment in that hospital for two weeks. He recovered from his illness and reported for duty on 6-8-1986. But he was physically prevented from carrying out his normal duties. He gave representation but nothing happened. The action of the management is not correct. He submitted leave application for grant of leave but not order was passed. Charge Sheet is not correct and enquiry is not proper. He remained absent only on medical ground. Police complaint was lodged against the first party regarding missing of articles and he was implicated falsely in the criminal case. It is the further case that he was acquitted by the competent court. The action of the management is not correct. First party for these reasons has prayed to pass award in his favour.

6. Second party appeared and filed counter.

7. The case of the second party in brief is as follows:

8. The main contention of the Second Party is that the first party had remained unauthorisedly absent for a total number of 1084 days in a span of 8 years. He was issued several warning letters with regard

to unauthorised absence. He was not working properly. On earlier occasions the first party was awarded minor punishment and charge sheet was issued and enquiry was held. The enquiry is proper and correct. The first party even after many adjournments did not participate in the proceedings and after all the efforts Enquiry Officer conducted an ex-parte enquiry and submitted report. The enquiry report is correct. It is also said that an application under Section 33 C (2) is also filed. The management for these reasons has prayed to reject the reference.

9. It is seen from the records that on behalf of the management two witnesses were examined and documents were marked. My learned predecessor by order dated 12-8-1999 has held that the enquiry is fair and proper and answered the DE in favour of the management.

10. It was argued on behalf of the first party that the first party was not feeling well on 15-7-86 and he was referred to St. Martha Hospital and he took treatment for two weeks in the above said hospital. He has filed documents which are Ex.W2 to W5. On 6-8-86 he went to Airport to resume to his duty but was not allowed to do so.

11. Relevant documents are filed and the first party was referred to St. Martha Hospital when he was sick. Considering the evidence and documents before me I am of the opinion that the action of the management in terminating the services of the first party is not proportionate to the misconduct and therefore, I am of the opinion that it is a fit case to take some lenient view and accordingly I proceed to pass the following order:

ORDER

Termination is set aside and the management is directed to reinstate the first party to his original post with continuity of service and in the given circumstances back wages are not allowed. Accordingly award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 15-6-2001).

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का. आ. 1768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-2000 को प्राप्त हुआ था।

[सं. एल-22012/25/2000-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 4-9-2000.

[No. L-22012/25/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer,
Wednesday, the 26th day of July, 2000
Industrial Dispute No. 66 of 1996

BETWEEN

Anuparthi Rajaiah
S/o Ramaiah,
Aged 36 years,
Occ : Ex-Coal Filler,
(Badli Filler) of 8-A Incline,
R/o Siripuram Village,
Manthani Mandal,
Dist. Karimnagar (A.P.)

Petitioner

AND

The General Manager,
Singareni Collieries Co. Ltd.,
Ramagundam Area-IV,
Godavarikhani,
Dist. Karimnagar (A.P.)

..... Petitioner

This petition coming before me for final hearing in the presence of Sri J. Rajaiah, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as Casual Worker on piece rate basis in the year, 1976 in the respondent company. Thereafter he was appointed as Coal Filler on permanent basis. He was suffering from Abdominal complaints. He applied for sick leave on 28-7-93. But he was removed from service on 5-9-93.

2. Respondent filed counter stating that the petitioner was continuously absent from 22-5-91 un-authorisedly. The petitioner submitted an application on 28-7-93 for sick leave. The petitioner ought to have made this petition in the year, 1991 itself. The service of the petitioner was terminated on 5-9-93 due to absenteeism.

3. WW-1 is examined and Ex. W-1 to Ex. W-10 are marked. MW-1 is examined and Ex. M-1 is marked.

4. Heard both sides.

5. The point for consideration is whether the petitioner is entitled to be reinstated into service.

6. POINT :—WW-1 is petitioner. He deposes that he was appointed as Badli Filler on 3-3-86. Prior to that, he was working as Coal-Filler. He was removed from the service in the year, 1982. Again he was re-employed as Badli Filler in the year, 1986. He was terminated from the service on 5-9-93. No notice was given to him before termination. No amount was paid to him before termination. He was on sick leave

from 28-7-93 upto the date of termination order. He further deposes that he applied for sick leave from 28-7-93 onwards.

7. MW-1 is Sri M. L. Sadanandam, Personnel Manager of the respondent company. He deposes that the petitioner was appointed as badli filler on 3-3-86. He worked for 154 days in 1986. He worked for 43 days in 1987. He did not work in the years, 1988 and 1989. He worked for 6 days in 1990. He worked for 4 days in 1991. He did not work in 1992 and 1993 upto the date of his termination. He further deposes that the petitioner did not work for 190 days in any calendar year from the date of his reappointment i.e., 3-3-86 till the date of his termination. Therefore, the service of the petitioner was not regularised. As badli filler, the petitioner did not work for 190 days in a continuous period of one year, no domestic enquiry is required for terminating the service of the petitioner as per the circular of the respondent-company. He further deposes that the petitioner did not apply for any leave till 28-7-93. He further deposes that the petitioner applied for sick leave on 28-7-93 for the period of his absence without enclosing any medical certificate.

8. Ex. W-1 is a letter dt. 26-8-82. It shows that the petitioner applied for casual leave for four days from 1-6-82 to 4-6-82 and did not resume duty from 5-6-82. His name was removed from the rolls of the company and he was placed on badli list. He was directed to report for duty on or before 26-8-83.

The petitioner deposes that he was re-employed as badli filler in the year, 1986.

Ex. W-6 is letter dt. 28-7-93. It shows that the petitioner made an application to the respondent company stating that he was on leave for the last one year four months. He was undergoing treatment for abdominal complaints. Therefore, he requested the respondent company not to remove his name from the rolls.

9. Ex. M-1 is office order dt. 5-9-93. It shows that the petitioner and others had put up very poor attendance and therefore terminated their services.

The petitioner was not attending to duty for more than one year prior to termination.

As per the evidence of MW-1, the petitioner did not work in the year, 1992 and 1993. The petitioner worked for 6 days in 1990 and 4 days in 1991. The petitioner did not work in 1988 and 1989.

I therefore, consider that the petitioner is entitled to be reinstated into service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 26th day of July, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman :—

WW-1 — A. Rajaiah, petitioner.

For Management :—

MW-1 — M. L. Sadanandam, Personnel Manager,
S. C. Co. Ltd., Ramagundam-II.

Exhibits

For workman :—

Ex. W-1 dt. 26-8-82 Proceedings No GDK No. 7-A/82/03-E/3136—keeping the petitioner's name in Badli-list (xerox copy).

Ex. W-2 dt. 23-10-87 Application of the petitioner (xerox copy).

Ex. W-3 dt. 26-6-87 Application of the petitioner (xerox copy).

Ex. W-4 dt. 29-10-90 Application requesting for General Mazdoor post (xerox copy).

- Ex. W-5 dt. 23-10-91 Application requesting for General Mazdoor job (photostat copy).
 Ex. W-6 dt. 28-7-93 Application requesting for sanction of sick leave (carbon copy).
 Ex. W-7 dt. 5-9-93 Termination order.
 Ex. W-8 dt. 12-12-94 Mercy petition (photostat copy).
 Ex. W-9 dt. 20-11-95 Mercy petition (photostat copy).
 Ex. W-10 dt. 22-02-95 Mercy petition (photostat copy).

For Management :—

- Ex. M-1 dt. 5-9-93 Termination letter.

नई दिल्ली, 4 जुलाई, 2001

का. अ. 1769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/36/2000-आई आर (सी-II)]
 एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1769.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/36/2000-IR(C-II)]
 N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. 319/2000

The Sub Area Manager,
 (WCL).

AND

Shri S. K. Rokamwar,
 (Workman).

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub Section (1) and Sub-Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide letter No. L-22012/36/2000-I.R.(CM-II) dated 14/21-11-2000 on the following schedule.

SCHEDULE

Whether the action of the management namely Sub Area Manager, Durgapur Open Cast Sub Area of WCL in dismissing Sh. S. K. Rokamwar, Ex-EPCH, Gr. 'E' Durgapur Open Cast is legal, proper and justified? If not, to what relief the workman is entitled and from what date? What other directions are necessary in the matter?

This reference was received from Ministry of Labour, New Delhi on 27-12-2000 and notices were issued to both the parties for 14-02-2001. Nobody turned up from the side of workman to file statement of claim.

Again regeistered notice was sent to the workman on 27-04-2001 which was received by him 12-05-2001. The acknowledgement received of post office shows that the notice was received by the workman S. K. Rokamwar.

The case was taken up on 28-05-2001 but the workman or the Union representative did not submit any statement of claim.

The case was again adjourned to 15-06-2001 but no statement of claim has been filed by the workman. The reference is therefore disposed off for want of prosecution.

ORDER

No statement of claim has not been filed by the workman S. K. Rokamwar, hence the reference is disposed off for want of prosecution.

No other directions are necessary in the matter.

Date : 15-6-2001 B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का. अ. 1770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. आई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/44/99-आई आर (सी-II)]
 एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/44/99-IR(C-II)]
 N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. 291/2000

Employers in relation to the management of S.E.C.L.

AND

Their Workman Shri Ramesh Kumar Rathore.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub Section (1) and sub Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/44/99-IR(C-II) dated 21-09-2000 on the following schedule.

SCHEDULE

"Whether the action of the management of Balji Project, SECL, in denying promotion to Sh. Ramesh Kumar Rathore in Cat. IV w.e.f. 5-12-94, i.e., the date from which his junior Sh. Ghanshyam Tripathi, was given promotion in Cat. IV is justified? If not, what relief the workman is entitled to?"

In the reference received from the Ministry of Labour, New Delhi the schedule contains the name of the workman as Ramesh Kumar Rathore. The Secretary of Samyukta Koyla Mazdoor Sangh (AITUC) has submitted the statement of claim for the workman Shri Rajesh Kumar Rathore. The management of SECL has submitted the failure of conciliation report dated 6th August, 1999 in which the name of the workman is mentioned as Ramesh Kumar Rathore.

The case was taken up today. Both the parties were absent. As the name of the workman in the failure of conciliation report shows the name of the workman Ramesh Kumar Rathore and the schedule received from Ministry of Labour dated 21-09-2000 also shows the name of the workman Ramesh Kumar Rathore, hence this court cannot change the name of the workman. The statement of claim dated 03-10-2000 submitted by Rajesh Kumar Rathore, in this court on 10-01-2001 cannot be accepted.

On 27-04-2001 the management has submitted the application that there is no concern of workman named Ramesh Kumar Rathore with this reference. No person bearing name Ramesh Kumar Rathore is working in S.E.C.L., hence the reference is void ab initio. The management has prayed for dismissal of reference.

As no statement has been filed by workman Ramesh Kumar Rathore mentioned in the schedule, hence the case is therefore disposed off for want of prosecution.

ORDER

No statement of claim has been filed by workman Ramesh Kumar Rathore who is mentioned in the schedule and failure of conciliation report dated 06-08-99 of ALC (Central), Bilaspur. Hence the reference is disposed off for want of prosecution as no statement of claim has been filed by Ramesh Kumar Rathore.

B. G. SAXENA, Presiding Officer

Dated : 22-05-2001

नई दिल्ली, 4 जुलाई, 2001

का.अ. 1771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचि में केन्द्रीय सरकार डब्ल्यू.सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/85/2000-ग्राई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/85/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.
Reference No. 294/2000
General Manager, W.C.L.

AND

Shri Moolchand

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication to this Tribunal vide order No. L-22012/85/2000/IR-(CM-II) dated 28-9-2000 on the following schedule.

SCHEDULE

"Whether the action of the Manager, Damua Colliery of WCL, PO : Damua, District Chhindwara (MP) in not correcting the date of birth of Shri Moolchand S/o Ganesh Prasad, Chowkidar of Damua Colliery as 7-9-64 instead of 16-10-92 is justified? If not, to what relief the workman is entitled?"

The workman has submitted statement of claim on 16-2-2001 through Union representative that his date of birth is recorded as 7-9-64. He was appointed in the Nandan Colliery of WCL in 1984. In the schedule received from Ministry of Labour, it is mentioned whether the action of management in not correcting the date of birth of Moolchand as 7-9-64 instead of 16-10-92 is justified.

No Written Statement was filed by the counsel for management of WCL in this case. On 23-5-2001 the management's counsel N. R. Bhishikar had moved application for seeking time for filing written statement.

The case was taken up today at 1.10 P.M. Both the parties were absent. Neither the representative of the Union of workman turned up nor the workman appeared in the court. The counsel for the WCL also did not turn up. No Written Statement has been filed from the side of the management to show as to what is the date of birth recorded in the form B Register and what the workman is claiming the date of birth.

In the statement of claim the workman has mentioned that the date of birth was wrongly recorded in form B Register. His date of birth in the Board of Secondary Education Certificate is written as 7-9-64.

His date of employment is 16-10-84. It shows that the workman has not mentioned anywhere that the date of birth has been recorded in any record as 16-10-92 which is mentioned in the schedule of the reference.

As I mentioned above the management of WCL has also not submitted any Written Statement, it is therefore not clear as to what is the actual dispute between

the management of WCL and the Chowkidar Moolchand.

If the workman got employment in 1984 at Nandan Colliery of WCL, Kanhan Area, his date of birth cannot be 16-10-92 as mentioned in the schedule. Thus the dated 16-10-92 mentioned in the schedule of reference is absolutely baseless.

Probably the Desk Officer N. P. Keshavan has not tried to see as to what is the actual dispute regarding the date of birth. What date of birth the workman is claiming and what date of birth is mentioned in the record of Colliery of WCL. The Desk Officer should see the documents properly before sending the reference to this Tribunal. The reference is therefore defective as the date of birth mentioned in the schedule 16-10-92 is totally wrong.

In the above circumstances the claim of the workman cannot be decided in terms of reference.

ORDER

The date of birth of Shri Moolchand, workman mentioned in the reference as 16-10-92 is absolutely wrong.

No relief can be given to the workman on the basis of this wrong reference. N. P. Kesavan, Desk Officer has not mentioned the correct date in the schedule. Reference is therefore disposed of on this ground that the term of reference is itself defective and no relief can be given to the workman, Moolchand S/o Ganesh Prasad Chowkidar of Damua Colliery, WCL, District Chhindwara, M.P.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.आ. 1772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एक.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 2-7-2001 को प्राप्त हुआ था।

[सं. एन-22012 (87)एफ/91-आई आर (सी-II)]
एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 2-7-2001.

[No. L-22012(87)F/91-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, 'SHRAM SADAN', III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated, 19th June, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B.,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C.R. No. 44/91

I PARTY

Shri S. K. Muniyappa,
Munckollala New Extension,
Marathalli Post,
Varthur Hobli,
Bangalore.
(Advocate-Shri Satya Narayan)

II PARTY

Regional Manager,
Food Corporation of India,
9, Mission Road,
Bangalore-27.
(Advocate-Shri Y. K. N. Sharma)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-22012(87)F/91-IR(C-II) dated 3-7-1991 for adjudication on the following schedule :

SCHEDULE

- "Whether the action on the part of management of Food Corporation of India, Bangalore in removing the services of Shri S. M. Muniyappa, Ex. Watchman w.c.f. 9-7-1986 for alleged misconduct is justified? If not, to what relief the workman is entitled to?"
2. The first party was working with the Second party as Watchman. Charge sheet was issued. Enquiry was held against the first party and on the basis of the enquiry report first party was removed from service. Therefore, dispute was raised.
3. First party appeared and filed Claim Statement.
4. In order to dispose off this dispute few facts are necessary and they are narrated as under :—
5. First party was appointed as Watchman in the year 1976 and he was working with the management. Charge sheet dated 16-9-1982 alleging that he absented himself from duty with effect from 3-7-82 and committed a theft of one, 139 bags of superfine raw rice from Kalpathar godown on 11-7-1982 was issued.
6. The case of the first party is that he was on leave from 3-7-1982 to 16-7-1982 and after that

he went to the management and tried to convey them that he was on medical leave during the period of theft but nothing was done by the management. So far as enquiry is concerned it is said that the enquiry is not proper and fair. Full opportunity was not given to him. The report of the Enquiry Officer is not correct and the action of the management is illegal. The punishment is not correct.

7. Second party appeared and filed Counter.

8. It is true that the first party was working as Watchman. It is the case of the management that the first party remained absent himself from duty from 3-7-1982 and the first party committed theft of Rice bags, Charge sheet was issued and enquiry was conducted. The enquiry is fair and proper. Full opportunity was given and all the allegations made by the first party are not correct. The management has alleged that the action of the management is correct.

9. It is seen from the records that so far as domestic enquiry is concerned two witnesses were examined and workman also got examined himself.

10. It is seen from the records that by an order dated 31st December, 1993, the domestic enquiry was held not fair and proper. Thereafter the management examined MW-2 to MW-5. Again first party got examined. I have heard both sides in detail. I have perused all the documents and read the evidence carefully.

11. In the instant case the domestic enquiry was held not proper by an order dated 31st December, 1993. In view of this the management has to prove the case against the first party workman to show that he has committed theft.

12. I have read the evidence of MW3, MW4 and MW5. At the very outset I am of the opinion that the evidence of these witnesses is not sufficient to involve the first party workman directly in theft case. It was argued by the learned counsel for the second party that circumstantial evidence is sufficient to show that the workman has committed theft. He pointed out saying that since 3-7-1982 to 16-7-1982 the first party workman was unauthorisedly absent and he engaged lorry and carried rice. It is true that the first party was not on duty on 3-7-82 to 16-7-82 but the case of the first party is that he was on medical leave and he has produced leave application and medical certificate. The management has to prove that the first party has committed theft.

13. I have already said that the evidence of MW3, MW4 and MW5 is not sufficient to show that the first party has committed theft of rice. We are having the First Information Report which is Ex. M-13 and according to that the name of the first party is not shown as accused. The first party workman has filed "B" report. The competent criminal court has stated that there is no material to frame charge against the accused and therefore the accused is discharged. With this I am of the opinion that the management has failed to prove that the first party workman has committed theft of rice bags.

14. Taking all this into consideration the action of the management in removing the first party from work

is not correct. The first party has given evidence saying that since his removal he is unemployed.

15. I have given my best consideration to the material before me and I am of the opinion that the action of the management in removing the first party workman is not correct and the order of removal is set aside. Accordingly I proceed to pass the following order :

ORDER

The management is directed to reinstate the first party workman from the date of his removal with continuity of service and in the given circumstances no back wages are allowed. Accordingly award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 19-6-2001.)

V N KULKARNI, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.सा. 1773:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/160/90-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi the, 4th July, 2001

S.O. 1773.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/160/90-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR
Present Shri B. G. Saxena, Presiding Officer

Reference No. 161/2000

Shivpuri Sub Area of WCL, Pench Area

VERSUS

1. Bhaulal S/o Gunchi.
2. Deena S/o Harchand.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/160/90-IR(C-II) dated 29-03-96 on the following schedule.

SCHEDULE

“Whether the action of the management of General Manager, WCL, Pench Area in stopping Shri Bhau Lal S/o Gunchi and Shri Deena S/o Shri Harchand from work is legal and justified? If not, what relief the workmen concerned are entitled to?”

Bhaulal S/o Gunchi and Deena S/o Harchand had submitted statement of claim in C.G.I.T. No. I at Mumbai on 23-05-96. This case was received by transfer in this court in June, 2000.

Bhaulal and Deena have stated that they were employed as Telephone Majdoor at Shibpuri Open Cast Mine of WCL in February, 1994 on the job of Telephone installation and its maintenance. They were stopped from work from 13-12-85 without any reason, in contravention of Section 25-F of ID Act. After terminating their services two other workmen Ramnath and Kuber Singh were appointed.

The management of WCL stated that these workmen were not appointed according to the recruitment rules and procedure for filling up the Vacancy of General Majdoor. The management had not appointed Bhaulal and Deena. They were casual workmen who had not completed 240 days work during the period of 12 months preceding the date of alleged stoppage from work. The Shibpuri Mines telephone lines were extended from pench East Exchange to Colony of Shibpuri Mines. These workmen were engaged for grouting of telephone poles, digging of drains and laying pipe line. As soon as the work was over their services were not required. They were engaged on purely temporary casual nature of work.

The statement of Deena and Bhaulal were recorded in this court and they were cross examined.

R. B. Mishra and R. K. Awasthi had filed their affidavits from the side of management. The workmen or their counsel did not prefer to cross examine them. The union representative of the workmen also did not turn up to conduct the case of workmen after 25-01-2001.

I have heard the counsel for the WCL and have perused the entire oral and documentary evidence on record. Bhaulal in his cross examination stated that he was employed by engineer Awasthi. No appointment letter was given to him. He was paid Rs. 8 per day. He was doing the work of digging the pits of telephone poles. After installation of telephones, the work was finished and he was therefore not called for any work.

He also admitted that he did not work for 240 days continuously in any year.

Workmen Deena also stated that he was engaged by the engineer for the installation of telephone connections. He was not appointed for regular work. He was paid Rs. 8 per day, thereafter he got Rs. 10 per day for sometime.

From the statement of these witnesses it is clear that they were daily paid worker.

Deena and Bhaulal were not appointed for any regular work. As soon as the work for installation of telephone lines was over, they stopped work. They were not engaged for any other work by the management of WCL.

R. K. Awasthi, Executive Engineer in his affidavit dated 18-01-2001 mentioned that Deena and Bhaulal were engaged for the work extension of telephone lines. It was a purely temporary and casual nature of work. They were engaged till the work was available.

R. B. Mishra, Area Personal Manager also mentioned in his affidavit dated 08-01-01 that Bhaulal and Deena were not employed as Mazdoor for any permanent nature of work. There is no post of telephone Maidoor in Coal Industry of WCL. In view of the above evidence the action of the management of General Manager, WCL, Pench Area, in stopping Bhaulal and Deena from work was legal and justified. They were not the regular employees of the WCL.

ORDER

The action of the management of General Manager, WCL, Pench Area in stopping Bhaulal S/o Gunchi and Deena S/o Harchand from work is legal and justified.

The workmen are not entitled to any relief.

The reference is answered accordingly.

Dated : 25-06-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.प्र. 1774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उद्भू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/164/95-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1774.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/164/95-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. CGIT : 292/2000

Employers in relation to the management
of The Sub Area Manager, W.C.L.

AND

Their Workman Shri S. C. Niranjane

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/164/95/IR(C-II) dated on following schedule.

SCHEDULE

“Whether the action of the management of Durgapur Opencast Sub-Area of W.C.L. in terminating the services of Sh. S. C. Niranjane, Cableman, Durgapur Opencast Project is legal and justified ? If not, to what relief the concerned workman is entitled ?”

This reference was sent by the Ministry of Labour to C.G.I.T. Court No. 1 at Mumbai on 20-11-95. The workman was represented through Shri S. Mazhar, representative of the union and the case was conducted by Shri B. N. Prasad, the counsel for W.C.L.

On 21-03-97 the Award Part 1 was passed in this reference by Shri R. S. Verma, Presiding Officer, C.G.I.T. No. 1. The detailed order regarding the fairness of enquiry was passed and Shri Verma was of opinion that the workman S. C. Niranjane was working as Cableman and he was found guilty of committing theft of the cable on 04-09-92 at 9.00 p.m. belonging to the management of W.C.L. at Durgapur Open Cast Sub-Area. The piece of 20 ft. cable was cut and the workman was responsible for committing the theft. The three witnesses Shri M. L. Viswakarma, Shri Ramji Tandekar and Shri Jayant Kumar Suryawanshi were examined, in support of the incident of theft during enquiry.

Mr. Verma also mentioned in his order, the workman was acquitted in criminal case on technical ground. The finding of criminal case was not based on evidence or merit.

In view of the above finding Justice R. S. Verma, Presiding Officer, C.G.I.T. Court No. 1, held that the domestic enquiry was just and proper. The finding of Enquiry Officer was based on evidence recorded during the enquiry.

On behalf of the workman the written argument was submitted by Shri Mazhar, representative of the union on 02-07-97. The workman had also filed affidavit on 06-07-96 that the punishment awarded is severe and his dismissal order is unjustified.

This case was received in this court on 29-09-2000. Workman moved application for adjournment on 13-11-2000. The case was adjourned on 05-01-2001. After that S. C. Niranjane, workman did not turn up. His union representative also did not turn

up to argue the case on the point of punishment. On 13-11-2000 S. C. Niranjane had moved application in this court that his counsel is ill and another date be given to him for hearing.

It is therefore clear that the workman was aware that the proceedings are pending in this case for hearing, but neither his counsel appeared to argue the case on the point of punishment nor any union representative appeared to argue the case for him. As many as six dates were given after 13-11-2000 but the workman or his advocate did not turn up.

I have heard the argument of Shri B. N. Prasad, counsel for management and have considered the written arguments submitted by the workman on 02-07-97 and affidavit of workman dated 06-07-96.

As I pointed out above that the workman was the cableman appointed at the Durgapur Open Cast Sub Area of W.C.L. and was therefore responsible to keep watch over the property of management. He himself committed theft of the cable. The finding of Shri R. S. Verma, Presiding Officer, dated 31-03-97 is on record and has not been challenged in any court.

In view of the above facts when the workman was found guilty of committing theft of the cable which was the property of WCL, the order of his termination from service by the management of Durgapur Open Cast of WCL is legal and justified.

The workman is not entitled to any other relief.

The punishment awarded i.e. termination of service can not be considered disproportionate anyway keeping in view the offence theft committed by workman.

ORDER

The action of the management of Durgapur Open Cast Sub Area of WCL in terminating the services of Shri S. C. Niranjane, cableman Durgapur Open Cast Project is legal and justified.

The workman is not entitled to any other relief.

The reference is answered accordingly.

Date : 21-05-2001

B. G. SAXENA, Presiding Officer

2135 GI/2001—25

सर्त दिवसी, 4 जुलाई, 2001

क.आ. 1775—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय न्यायालय, सी. एल. के प्रबंधन के समक्ष नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/यम न्यायालय, नगपुर के माफ को प्रकाशित केन्द्रीय है, जो केन्द्रीय सरकार का 4-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/191/91-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi the 4th July, 2001

S.O. 1775.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/191/91-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT:

Shri B. G. Saxena, Presiding Officer.

Reference No. 103/2000

The sub-Area Manager, Neeljai Opencast Mine.

Versus

Baba S. Bhongle, Ex-Drill, Operator

AWARD

The Central Government Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub Section (1) and Sub Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication to this Tribunal vide order No. L-22012/191/99-IR (CM-II) dated 25/31-08-99 on the following schedule.

SCHEDULE

"Whether the action of the management namely Sub Area Manager, Neeljai Opencast Mine of WCL, PO : Bellora Tah : Wani Distt. Yavatmal in terminating Shri Baba S. Bhongle, Ex-Drill Operator, Neeljai Open Cast Mine WCL, is legal and justified? If not to what relief is the workman entitled and from which date? What other directions are necessary in the matter?"

Baba S. Bhongle has submitted statement of claim that he was working as drill operator in Sub-area Neeljai Open-cast, WCL, Yavatmal for last more

than ten years. Chargesheet was issued to him vide order date 25-09-96 that he was absent from duty without sufficient cause for more than ten days. He was also habitual of becoming absent from duty without sufficient cause. The enquiry was instituted against him from 5-12-96 and he was dismissed from service by management's order 05-08-98.

He further alleged that the duration of absence from duty was not mentioned in chargesheet. The list of documents and witnesses was not given to him and he could not defend himself with the help of co-worker. The enquiry was conducted ex parte. He was called and asked to pay Rs. 10,000 on 7-7-98 for quashing departmental proceedings. His uncle had enmity with an officer of WCL, so he has been victimised and dismissed from service. He claimed reinstatement with full backwages.

The management of WCL has contested the case. It is mentioned in Written Statement that the job of the drill operator is highly skilled and responsible. The workman's unauthorised absence caused serious dislocation of work and directly affected on the production of coal.

In 1994 he worked for 176 days, 1995-176 and in 1996 upto August only for 76 days. He was warned several times for his unauthorised absence. On 25-9-96 chargesheet was issued to him and he was called to explain his conduct. He did not submit any explanation. On 5-12-96 departmental enquiry started, 9-1-97 the first date of enquiry was fixed. Thereafter 9-3-97, 20-9-97 and 17-4-97 were fixed, but the workman did not attend the enquiry proceedings. On 17-4-97 he was informed that if he will not turn up, the enquiry will proceed ex parte. The workman did not reply. The enquiry was therefore concluded and on 5-5-98 enquiry report was submitted. The enquiry report was sent to the workman on 11-6-98. He was dismissed from service vide order dated 5-8-98.

I have heard the counsel for the workman and the counsel for WCL and have perused the entire oral and documentary evidence on record. Both the parties have submitted their written arguments.

The workman Baba. Shankar Bhongle was cross examined on 17-10-2000. He admitted that chargesheet was issued to him as he was absent for more than ten days. He admitted that he did not submit any medical certificate about his illness for the period, he remained absent. On 22-3-97 he had approached the management and was allowed to join the duty but he has no document to show that he was allowed to join duty. He has not filed such document. He also admitted that he had got the copy of enquiry report. He did not submit any reply of show cause notice in this Tribunal. He further says that R. K. Srivastav, Manager had demanded Rs. 10,000 for closing enquiry against him. In cross-examination he changed the name of the officer concerned. He says that S. S. Srivastav was the project officer when chargesheet was issued to him. This chargesheet was given to him by personal officer of WCL. Chargesheet was not issued to him by S. S. Srivastav. The document W4 filed by the workman dated 7-7-98 shows that the manager had sent him letter to join duty from 8-7-98. The name of the manager is not mentioned in this letter.

The counsel for the management argued that order for dismissal was passed on 25-6-98 by Deputy C.P.M. So there was no question for calling him for duty from 8-7-98. The management has not admitted this document. It is also argued that on 7-7-98 the order for termination was passed by APM. The charge against the workman was proved as per report of the enquiry officer dated 5-5-98. V. P. Jobi was the enquiry officer/personal officer. It is therefore clear that the enquiry was not conducted against the workman by R. K. Srivastav or S. S. Srivastav as alleged by him.

The statement of V. P. Jobi was also recorded on 3-4-01. In cross examination the enquiry officer says that on 25-9-96 chargesheet was issued to the workman Baba S. Bhongle. During enquiry on 9-1-97, 3-2-97, 27-3-97, the notices were issued to the workman but he did not turn up to attend the enquiry proceedings. He does not know whether the uncle of workman had any quarrel with S. S. Srivastav or not. The above evidence therefore shows that the workman was given opportunity to produce defence during the enquiry but he knowingly absented and did not attend the enquiry.

The workman did not submit any satisfactory evidence during the enquiry regarding his absence from duty.

In 1996 he worked for the following period—

January, 96—18 days

February, 96—9 „

March, „—4 „

April, „—4 „

May, „—14 „

June „—8 „

July „—8 „

August „—11 „

The workman has not submitted any medical certificate to show that he was absent during the above months due to any illness or any other satisfactory reason.

No documents have been filed to show that he was granted leave for his absence during the above months. Thus the charges under Standing orders 26.24 and 26.10 of WCL as mentioned in chargesheet 25-9-96 are fully proved against the workman.

I therefore hold that the enquiry was conducted fairly and according to the principles of natural justice. The workman was given opportunity to defend himself but he did not produce any evidence in his defence.

In the above circumstances the punishment awarded to the workman i.e. dismissal from service is also justified. There is nothing on record to show that in the criminal case 64/87 decided on 29-12-98 state of Maharashtra versus Balji Bhive Bhongle, the workman Baba. S. Bhongle was a witness. The judgement dated 29-12-98 shows Balaji Bhiva Bhongle was acquitted. The occurrence of this case was dated 7-7-87. In the above circumstances this criminal case has no concern with the dismissal of the workman for his absence from his duty.

It was for the workman to show any justified ground for his absence from duty during the year 1994, 1995 and 1996. In 1994 he worked for 176 days, 1995-176 days and 1996—76 days. The absence of the workman from duty caused dislocation of the work and affected the production of coal from the mine.

In these circumstances the order of the management of WCL in terminating the services of workman Baba S. Bhongle was legal and justified.

ORDER

The action of the management namely Sub Area Manager Neeljay Open cast. Mine of WCL, PS-Bellora, Tah : Wani, District Yavatmal in terminating Shri Baba S. Bhongle, Ex-Drill Operator, Neeljay Opencast Mine, WCL is legal and justified.

The workman is not entitled for any relief.

No other directions are necessary in the matter. Dated 20-6-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.प्र. 1776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू. सी. एन. के प्रबंधन के संबंध निरोधकों और उनके कर्मचारियों के बीच, आखिर में निरुद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकाधिक/अधिकाधिक, नागपुर के रजिस्ट्रार को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[नं. एन-22012/209/99-आई आर (सी-II)]
ए.पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1776.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/209/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 111/2000

Employers in relation to the management of the General Manager, W.C.L.

AND

Their workman Shri Satish Janardhan Derkar.

2135 GI/2001—26

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/209/99/IR(CM-II) dated, 22-11-1999 on following schedule :

SCHEDULE

"Whether the action of the management namely General Manager, Majri Area, Kuchana of WCL, PO : Shembule, District Chandrapur in terminating the services of Shri S. J. Dorkar, Ex-Clerk, Majri Area is justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

Satish Janardhan Derkar has submitted Statement of Claim that his relatives were having land in Kawadi, Tahsil : Warora, District : Chandrapur. He was appointed as General Mazdoor on 12-06-90. He was promoted as Clerk Grade III w.e.f. 12-12-93. The charge sheet was issued against him on 21-04-97 for his remaining absent from 24-04-97 for more than 10 days. It was also mentioned in the charge sheet that he is in the habit of remaining absent. In the year 1996, he worked for 79 days only.

The enquiry was conducted against him and both the parties were asked to produce evidence. On 6th May, 1997 the evidence was recorded. He did not produce any defence. The enquiry was concluded on 06-05-97 in his presence. The Enquiry Officer Prabhakar S. Deshpande submitted Enquiry Report on 6th May, 1997. His service was terminated vide letter No. WCL/MA/GM/PER/Termi./97/310 dated 27th/29th May, 1997.

His mercy application for permitting him to join duty dated 10-06-97 (this paper is Exhibit W-5) was also rejected. The appeal of S. J. Derkar was rejected by Dy. Chief Personnel Manager (IR) MSR, WCL, Nagpur vide order WCL/IR/MSR/U 79/3066 dated 18/24-11-1997 (this paper is Exhibit W-6).

The workman had requested for reinstatement and setting aside the termination order dated 29-5-97.

In the Written Statement the management of WCL stated that the workman was absent without any intimation from 24-02-97. He also did not get his leave sanctioned. The charge sheet was issued to him on 21-04-97. He submitted his explanation on 25-4-97. His explanation was not found satisfactory. Enquiry was constituted vide Memo Enquiry No. WCL/MA/GM/PER/97/615 dated 27-4-97. He received this letter on 5-5-97.

The workman attended enquiry on 06-05-97. He told the Enquiry Officer that he does not want any help of co-worker in the Departmental Enquiry. He cross examined the witness produced by management.

The workman Satish J. Derkar did not produce any evidence in his defence. He made his defence statement and filed some documents. The Enquiry Officer concluded the enquiry with the consent of both the

parties and submitted his report on 17-5-97. The Enquiry Officer mentioned in his Enquiry Report that the charges under standing order of WCL clauses 26.24, 26.30 have been proved against the workman S. J. Derkar. Vide order dated 27/29-5-97, his service was terminated w.e.f. 30-05-97.

Both the parties produced evidence in this case before this Tribunal. Satish J. Derkar submitted affidavit on 30-6-2000 and he was cross examined on 11-08-2000.

From the side of management Enquiry Officer Prabhakar Deshpande submitted his affidavit on 29th August, 2000 and he was cross examined by S. B. Dhande the advocate of the workman. The cross-examination of Enquiry Officer was recorded on 13th October, 2000. The parties have submitted documents.

Both the parties also submitted their Written arguments through their advocates. However, for oral argument also a number of dates were given to both the parties. From 22-12-2000 to 08-05-2001 eight dates were given, but the counsel for both the parties did not prefer to argue the case orally.

I have considered the entire oral and documentary evidence on record.

The counsel for workman has mentioned in the Written argument that enquiry was not conducted fairly and according to Principles of Natural Justice. The workman also could not produce his defence.

The above argument of the counsel for workman is baseless.

In cross examination on 11-08-2000 the workman S. J. Derkar had admitted that chargesheet was issued to him on 23-4-97. He had received the charge-sheet and had submitted his explanation on 25-4-97.

The workman also admitted that he had not submitted any document related to the treatment of his any illness. He had no original certificate of the Doctor with his regarding his illness. He was allowed to join duty on 27-4-97 when enquiry was pending against him.

The Enquiry Officer had informed him on 05-05-97 that he will take up Enquiry proceedings on 6-5-97. He participated in the Enquiry Proceedings. He had received the copies of document Nos. 10 to 17 concerning Enquiry Report. During Enquiry he had submitted Report that he was ill from 24-2-97 to 26-4-97. He did not submit any Medical Certificate regarding his illness on 24-2-97 though he says that he had given application regarding his illness to the Clerk in the office of WCL. He has admitted that during the period of illness for 2 months he did not move any application to management of WCL. He also did not submit any Medical Certificate to the management regarding his illness.

The workman has further admitted that he was provided opportunity to produce his Defence Evidence during the enquiry. He did not produce any Defence witness. This workman also admits that he had contested the Assembly Election in 1998 as an Independent

candidate. It shows that the workman is well qualified and knows that his unauthorised absence from duty was his gross misconduct.

The above statement of the workman S. J. Derkar shows that enquiry was conducted against him fairly and according to the Principles of Natural Justice. He got full opportunity to submit his Defence Evidence. The workman examined himself in his Defence and did not produce any other oral evidence.

The statement of Enquiry Officer Prabhakar Deshpande also shows that the statement of managements representative M. K. Tul was recorded during enquiry. This witness was cross examined by workman S. J. Derkar. The workman did not produce any other oral evidence in defence except examining himself.

The Enquiry Officer has submitted his detailed Enquiry Report in which he has mentioned that the charges against the workman S. J. Derkar have been proved.

In these circumstances I, therefore, hold that the enquiry was conducted fairly and properly and according to the Principles of Natural Justice.

Now, the question is regarding the punishment awarded to the workman. According the ruling of Hon'ble Supreme Court 1983 LIC page 1629 D. P. Maheshwari Vs. Delhi Administration, all the issues should be decided together. Hence, the issue regarding the punishment to the workman is also been considered and decided.

The charge-sheet dated 20/21-4-94, M(1) clearly shows that the workman worked only for 79 days during the year 1996. It shows that he was in the habit of remaining absent unauthorisedly. The workman also could not produce satisfactory evidence for his illness from 24-02-97 to 26-04-97. Thus, the charges under standing order of WCL clauses 26.24 and 26.30 have been fully proved against the workman.

In these circumstances his termination from service was justified. The order No. WCL/IR/MSR/U 79/3066 dated 18/24-11-1997 of Dy. Chief Personnel Manager (IR) MSR, WCL, Nagpur also shows that the attendance of the workman during the period of 1996-97 was only 48 days. Considering the gravity of the misconduct the appeal of workman S. J. Derkar was dismissed by the management of WCL. The request for re-employment of workman was also not considered.

In these circumstances the punishment of termination awarded to the workman S. J. Derkar is not unproportionate. The order of termination of workman by the management of WCL is justified. The workman is not entitled to any other relief.

ORDER

The action of the management namely General Manager, Majri Area Kuchana of WCL, PO: Shembule, District : Chandrapur in terminating the services of Shri S. J. Derkar, Ex-Clerk, Majri Area from 30th May, 1997 is justified.

The workman is not entitled to any other relief.

No other directions are necessary in this matter.

The reference is answered accordingly.

Dated : 28-5-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.सं. 1777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में केन्द्रीय सरकार, इन्दूर, सी. एल. के प्रबंधन के संबंध विवादों और उनके कर्मचारों के बीच, अनुसूची में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमरावती नगर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[नं. एल-22012/397/98-आई एन (सी-II)]

एन. पी. केशव, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1777.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/397/98-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. 129/2000

SUB-AREA MANAGER (W.C.L.)

Versus

SHRI DHANRAJ

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide Order No. L-22012/397/98-IR(CM-II) dated 30-7-99 on following Schedule.

SCHEDULE

"Whether the action of the management namely Chief General Manager, Ballarpur Area of WCL P.O. Ballarpur, Distt. Chandrapur in terminating Sh. Dhanraj S/o Bisen Neware, Ex-Casual Worker, Category-I, Ballarpur Area, WCL, is legal,

proper and justified? If not, to what relief is the workman entitled and from which date? What other directions are necessary in the matter?"

The workman Dhanraj was appointed as casual labour in September, 1995 for a period of 3 months. He joined service on 30-9-95. He was given break in the service after 3 months i.e. Dec., 1995. Again he was appointed vide order dated 2-3-96 and his service was extended for 12 months. Again vide order dated 22/24-4-96 his service was extended. He was getting salary Rs. 4205.70 per month. His service was terminated from 29-4-97 vide order 28-4-97. It is further alleged that no chargesheet was issued to him. He had completed more than 240 days continuous service and his termination order was illegal. The provisions of Section 25(F) and 25(G) of ID Act were not complied with and no retrenchment compensation was paid to the workman. He has claimed reinstatement.

The management contested that the workman was appointed for three months from 30-9-95 and his service automatically terminated on 30-12-95. He again joined service on 30-4-96 and on 29-4-97. His service automatically terminated. He worked for undernoted period during 1995, 1996 and 1997.

Oct, 95—Dec, 95 — 71 days

May, 96—Dec, 96 — 171 days

Jan, 97—Apr, 97 — 75 days

He did not work for 240 days in any calendar year. He was appointed for specific work under specific contract, hence he has no claim for retrenchment compensation. No vocational training was given to him for underground services.

I have heard the counsel for the management and the counsel for the workman. Both the parties have submitted their written arguments, hence they did not prefer to argue the case orally. I have considered the written arguments of both the parties and the oral and documentary evidence on record. The statement of Dhanraj was recorded. He was cross examined by the counsel for management on 11-12-2000. The workman admitted that he worked from 30-9-95 to 30-12-95 for three months as casual labour. Again he was appointed for 12 months from 1-5-96 to 29-4-97. He was not called through employment exchange. He was given 24 days training for underground work. He was educated upto class IX.

Shri I. M. Chandok personal Manager who appeared for the management represented that the work was available for 12 months so he was given extension four times for a period of 3 months each. When the work was completed his service was automatically terminated in April, 1997. His appointment was on contract basis for 12 months so his service discontinued w.e.f. 29-4-97. From the above evidence of the parties it is therefore clear that for underground duty, 190 days service is required in a calendar year. Shri I. M. Chandok in his statement on 22-2-2001 has admitted that for underground work, 190 days service is required in a calendar year. The service of the workman was terminated as he was appointed only for 12 months from 1-5-96 and the period of one year expired on 29-4-97.

In view of the above evidence on record the workman is not entitled to reinstatement in service. His termination order is proper and justified. The workman shall however get retrenchment compensation under Section 25F(b) of I.D. Act i.e. 15 days average pay for every completed year of continuous service or any part thereof in excess of six months.

ORDER

The action of the management namely Chief General Manager Ballarpur Area of WCL, P.O. Ballarpur, Distt. Chandrapur in terminating Shri Dhanraj S/o Bisen Naware Ex-Casual worker, Category-I, Ballarpur Area, WCL is legal, proper and justified.

The workman shall however get retrenchment compensation under Section 25F(b) of I.D. Act. He is not entitled to any other relief claimed by him. The workman is not entitled to reinstatement in service or backwages.

The reference is answered accordingly.

Dated 26-6-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.आ. 1778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार उद्यम, सी.एन. के अधीन के संयुक्त निवेशकों और उनके कर्मचारियों के बीच, अनुसूच में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार/अथवा व्यापारिक, नागपुर के वंचाट की प्रकृति का है, जो केन्द्रीय सरकार को 4-7-2001 को प्राप्त हुआ था।

[सं. एन-22012/464/99-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1778.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/464/99-IR(C-II)]

N. P. KESAVAN, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer
Reference No. CGIT : 243/2000

Employers in relation to the management of
S.A.M., W.C.L.

AND

Their Workman Shri Bharat Krishnaji Awari

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/464/99-IR(C-II) dated 8-8-2000 on following Schedule.

SCHEDULE

"Whether the action of the management namely Sub Area Manager, Chargaon Open Cast Sub Area of WCL, P.O. Konda Tah. Bhadrawati, Distt. Chandrapur in terminating Sh. Bharat Krishnaji Awari Ex General Mazdoor, Chargaon Open Cast of WCL is legal, proper and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

In this reference notice was issued to the parties on 5-9-2000 fixing date 24-10-2000. The counsel for WCL Shri B. N. Prasad filed Vakalatnama on 24-10-2000. The notice was issued to the workman Shri Bharat K. Awari on 19-12-2000. It was returned by the Post Office. Again the notice was issued to workman on 1-2-2001. The management submitted the address of the workman on 1-2-2001 and the notice was again issued to the workman on 13-3-2001 by Registered Post. On this Registered notice there is report of the postman dated 21-3-2001 that the workman is not living at Dealwada, P.O. Konda, Dist. Chandrapur. It is also mentioned on the envelope that no other address of the workman is available.

The notice dated 19-12-2000 and 1-2-2001 were sent on the address of workman at Ali Petrol Pump, Kuabi Society, Bhadrawati, Dist. Chandrapur. On this address which was given in the reference order received from Ministry of Labour, New Delhi also, the workman was not available.

Nobody turned up from the side of the union of the workman to file any Statement of Claim or to contest the case as many as eight dates were given in this case, but neither the workman turned up to file any Statement of Claim nor any representative of his union appeared to contest the case.

In these circumstances the workman has not submitted any Statement of Claim in this court. The reference is therefore disposed of for want of prosecution.

ORDER

The reference is disposed of for want of prosecution as no Statement of Claim has been filed by the workman or the representative of the union.
Date : 21-5-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.आ. 1779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार इन्ड्यू. सी.एल. के प्रबंधन के संबंध में निरीजकों और उनके कर्मचारियों के बीच, अंतर्गत में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रभ न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2001 प्राप्त हुआ था।

[सं. एल-22012/552/99-अर्द्धार (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1779.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 4-7-2001.

[No. L-22012/552/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. 248/2000

The General Manager, W.C.L.

Versus

Shri Hamid Beg, Mech. Fitter

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub section (1) and Sub section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/552/99/IR(CM-II) dated 1-8-2000 on the following schedule.

SCHEDULE

"Whether the action of the Manager, Bhamori Colliery of WCL, PO : Parsia, District Chhindwara (MP) in retiring Shri Hamid Beg S/o Kedar Beg, Mech. Fitter of Bhamori Colliery w.e.f. 1-1-92 is justified? If not, to what relief the workman is entitled?"

This reference was received from Ministry of Labour on 5-9-2000. The application Under Section 33C of ID Act was submitted by Hamid Beg, who had retired from service as Mechanical Fitter from Bhamori Colliery, Parsia, District Chhindwara (M.P.).

He had mentioned that in Form B Register in 1974 his age is shown 36 year. He therefore was due to retire on 1-1-98 at the age of 60 years. He has retired on 1-1-92 as his date of birth is shown 1-1-32. The Determination Committee on 3-2-90 had told him that his age was 42 years as on 1974. He therefore claimed that the order for retirement is illegal and the amount be paid to him considering his age of retirement 60 years on 1-1-98.

The workman Hamid Beg died on 25-11-2000. However the advocate of the workman examined his son Nurul Amin in this case and he was cross examined on 1-5-2001.

From the side of management the statement of Senior Personal Officer R. K. Sinha was recorded and he was cross examined on 29-5-2001.

The Management has also submitted documents that the date of birth of Hamid Beg was 1-1-32 and he was therefore retired on 1-1-92 on completing 60 years of age.

I have heard the counsel for the management A. K. Sashi and the counsel for workman Shri Dilip Deshpande. I have also considered the entire oral and documentary evidence on record. Hamid Beg had submitted application dated 5-9-2000 in this court on 12-10-2000. He had mentioned that the date of birth was changed in the record in 1974. He had also mentioned that the age determination committee had informed him on 3-2-90 that his age was recorded 42 years as on 1974. The counsel for management has argued that the workman had retired on 1-1-92 at the age of 60 years. He has raised this dispute in 1999 after lapse of 6 years. He did not challenge his date of birth as 1-1-32 before the age determination committee. In form B Register maintained by the management, the date of birth of Hamid Beg is recorded as 1-1-32. He did not raise any objection when his date of birth was informed to him, in 1982, when notice was displayed and his name figured at Serial No. 37. He had opportunity to report with in 90 days about his grievance. He also did not produce any document before the age determination committee that his date of birth was 1-1-32.

In the court also when Nurul Amin, the son of Hamid Beg was cross examined, he stated in cross examination that he has no document in his possession to show the age of his father Hamid Beg. He also stated that on Form B, the photo of his father is affixed and his age is shown 42 years as on 1-1-74. Thus from the statement of Nurul Amin witness, it is clear that there was no document with the workman to show that the date of birth of Hamid Beg is 1-1-32.

The statement of R. K. Sinha, the personal officer of WCL shows that Hamid Beg was 42 years old on 1-1-74. He retired on 1-1-92 at the age of 60 years. In the above circumstances there is no evidence on record to show that Hamid Beg was born on 1-1-32. In these circumstances the workman is not entitled to any relief. There is nothing on record to show that any amount of gratuity or Provident Fund or

Bonus etc. was left unpaid to the workman on his retirement on 1-1-92.

The Honourable Supreme Court has clearly held in 1997(2) LLN-1034 State of Orissa and others and Ramnath Patnaik that it is well known that the service record will be opened when the employee enters in the service. State Government employee not making attempts to have the service record corrected when entry was made in service record and when he was in service. Any amount of evidence produced subsequently would be of no avail. Date of birth cannot be corrected.

In view of the above law, Hamid Beg, Mechanical Fitter of Bhamori Colliery had no proof to show that he was born on 1-1-32. He was rightly retired from service on 1-1-92 by the Manager, Bhamori Colliery, Parsia, District Chhindwara. The workman was not entitled to any other relief.

ORDER

The action of the Manager, Bhamori Colliery of WCL, P.O. Parsia, District Chhindwara (M.P.) in retiring Hamid Beg S/o Kedar Beg, Mechanical Fitter of Bhamori Colliery with effect from 1-1-92 is justified.

The workman was not entitled to any other relief.

The reference is decided accordingly.

Dated : 22-6-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2001

का.प्र. 1780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी. आई. के प्रबंधन के संबंध में निोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मध्य के गंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-7-2001 को प्राप्त हुआ था।

[सं. एल-22012/578/99-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th July, 2001

S.O. 1780.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 2-7-2001.

[No. L-22012/578/99-IR(C-II)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. EGIT-2/12 of 2001

Employers in relation to the Management of Food Corporation of India
Sr. Regional Manager,
Food Corporation of India,
Mistry Bhavan,
Churchgate,
Mumbai-400 020.

AND

Their Workmen
Sr. Vice President,
F.C.I. Employees Association,
Room No. 9, 4th Floor,
Mistry Bhavan, D.W. Road,
Churchgate,
Mumbai.

APPEARANCES :

For the Employer—S/Shri A. A. Hotchandani,
Nirmale, K. V. Vasudevan Representatives.

For the Workmen—No Appearance.
Mumbai, dated 12th June, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/578/99/IR(CM-II), dated 21-8-2000, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Food Corporation of India, Mumbai in not paying overtime allowance to the workmen deployed at Jawaharlal Nehru Port during the period 1995-96 at double the normal rates of wages as alleged by FCI Executive Staff Union is legal and justified? If not, to what relief the workmen concerned (list enclosed) are entitled?"

2. Pursuant to the reference and corrigendum dated 19-1-2001 (Exhibit-4) this tribunal issued notices to the management and the union. However, though served (vide Exhibit-7), none appeared on behalf of union. Management's representative Mr. A. A. Hotchandani appeared (vide Exhibit-8) Matter was fixed for filing of Statement of Claim by the union on various dates i.e. on 7-3-2001, 28-3-2001, 20-4-2001, 11-5-2001, 1-6-2001 and today i.e. 12-6-2001. However, none on behalf of the union appeared nor put statement of Claim, which clearly indicates that the union is not interested in prosecuting the reference and therefore, reference deserves to be disposed of for non-prosecution and hence the order :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 3 जुलाई, 2001

का.आ. 1781.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 7 घ की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय विधि सेवा के श्री महेश प्रकाश को पद का कार्यभार संभालने की तारीख से 5 वर्ष की अवधि के लिए अथवा उनके 62 वर्ष की आयु पूरी करने तक, जो भी पहले हो, 22400-24400/रु. के वेतनमान में कर्मचारी भविष्य निधि अपीलीय अधिकरण, नई दिल्ली के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. सं. ए-12026/1/2001-एस. एस. I]

एम. सी. मित्तल, उप सचिव

New Delhi, the 3rd July, 2001

S.O. 1781.—In exercise of the powers conferred by sub-section (2) of Section 7D of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Sh. Mahesh Prakash, Indian Legal Service, as a Presiding Officer of the Employees' Provident Funds Appellate Tribunal, New Delhi in the pay scale of Rs. 22400-24400/ for a period of five years from the date of taking over charge of the post or till he attains the age of 62 years whichever event occurs earlier.

[F. No. A-12026/1/2001-SS. I]

M. C. MITTAL, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2001

का. आ. 1782.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अगस्त, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला विरुद्धनगर के अरुप्पुकोट्टे केंद्र तथा तामुक मे आने वाले क्षेत्र :—

अरुप्पुकोट्टे, कुलसेखरनल्लूर, सव्वासपुरम, मेलकण्डमंगलम, मेम्पट्टी, अत्तिपट्टी, कंजनायकनपट्टी, गोपालपुरम, पालथम्पट्टी, पंडलकुडि, विन्नुपुलियम्पट्टी, पेरियुलियम्पट्टी (पूर्व), पेरियुलियम्पट्टी (पश्चिम), वामबन्दपुरम, अम्बलत्तवानत्तम, कुरिजानकुलम, पोस्थानकुलम, मेट्टुतोडटियक्कुलम (मेलतोडटियक्कुलम) पुनियुरान, काट्टानकंजनपट्टी, कलरानी, वोम्मकोट्टे, मुण्डक्कोट्टे, मूत्तूरामयिरपुरम, नार्तम्पट्टी,

मंगलम, कोविलनकुलम, काट्टानकुडि, टी. कोप्पुचिन्मपट्टी, वी. कोप्पुचिन्मपट्टी, तुम्माकुण्ड, पी. आण्डिपट्टी, कुरुन्दमडम, मुक्किलनादम, निरुविन्दलपुरम, चेट्टीकुरुच्चि, आमणक्कनादम, टी. मीनाक्षिपुरम, वेलायुदपुरम, चेट्टीपट्टी”

[सं. एस-38013/13/2001-एस. एस.-1]

एम. सी. मित्तल, उप सचिव

New Delhi, the 10th July, 2001

S.O. 1782.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :

“Areas comprising the Revenue villages of Aruppukottai, Kulasekaranallur, Savvaspuram, Melakandamangalam, Sempatti, Athipatti, Kanjanakumbari, Gopalapuram, Palayampatti, Pandalgudi, Chinnaipuliampatti, Periapuliampatti (East), Periapuliampatti (West), Valanthapuram, Ambalathevanatham, Kurinjankulam, Poyankulam, Metthuthottiankulam, (Melathottiankulam), Puliyuran, Kattankaniampatti, Kallorani, Bommakottai, Sundakkottai, Kuthumalingapuram, Nathampatti, Mangalam, Kovilakulam, Kuttangudi, T. Koppuchithampatti, V. Koppuchithampatti, Thummakundu, P. Arupattai, Kurundhamadan, Sukkulanatham, Thipuzhurhalpuram, Chikuruchi, Amaravathipatti, T. (Meenakshipuram, Velayuthapuram and Chettipatti in Aruppukottai Taluk of Virudhunagar District.”

[No. S-38013/13/2001-SS. I]

M. C. MITTAL, Dy. Secy.

नई दिल्ली, 10 जुलाई, 2001

का. आ. 1783.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 1 अगस्त, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4,

अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के विवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला मलपूरम के तिरुर तालुक में राजस्व ग्राम कट्टीपरुथि और अन्नवन्दाइ और पोनानी तालुक में राजस्व ग्राम इडम्पाल के अधीन आने वाले क्षेत्र।”

[सं. एम-38013/14/2001-एस. एस.-II]

एम. सी. मित्तल, उप सचिव

New Delhi, the 10th July, 2001

S. O. 1783.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala, namely :

“The areas within the Revenue villages of Kattiparuthy and Annavandad in Tirur Taluk and Idamal village in Ponnani Taluk in Malappuram District.”

[No. S-38013/14/2001-SS. I]

M. C. MITTAL, Dy. Secy.

नई दिल्ली, 9 जुलाई, 2001

का. सं. 1784—केन्द्रीय सरकार संवत् 1948 में जो जाने पर (1) अधिनियम में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड

(क) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिरूचना संख्या का. सं. 285 दिनांक 2 फरवरी द्वारा यूरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 2 फरवरी, 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 2 अगस्त, 2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एम.-11017/9/97-आई. आर. (पी.एन.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 9th July, 2001

S.O. 1784.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 285 dated 2 Feb., 2001 the Uranium Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 2 Feb., 2001.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 2 August, 2001.

[No. S-11017/9/97-IR(PI.)]

H.C. GUPTA, Under Secy.